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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable JACKY ROSEN, a Senator from the State of Nevada.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our Father, we want to serve You as You desire. Lord, make us alert to the needs of those You seek to touch, providing us with opportunities to transform hurting people.

Use our lawmakers to do Your will on Earth as You empower them to be ambassadors of reconciliation. Lord, give them such winsome dispositions that they will bless even those who are hard of heart and withered in spirit. May our legislators comfort those who are brought low by sorrow and lift those who are bowed by life's burdens.

Lord, during this season of Thanksgiving, inspire each of us to be grateful every day.

We pray in Your precious Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 18, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the

Senate, I hereby appoint the Honorable JACKY ROSEN, a Senator from the State of Nevada, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Ms. ROSEN thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### LEGISLATIVE SESSION

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022—Motion to Proceed—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 4350, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 144, H.R. 4350, a bill to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. SCHUMER. Madam President, on NDAA, last night, the Senate began the process to debate, amend, and ultimately pass our annual Defense spend-

ing bill. With Republican cooperation, we can adopt the motion to proceed and begin voting on amendments early today.

Let me say it again. With Republican cooperation, we can adopt the motion to proceed and begin voting on amendments today. We should work together and complete this important bill before the Thanksgiving holiday.

Last night's vote was overwhelmingly bipartisan, so there is no reason we can't come to an agreement very soon to begin debating amendments.

And there is already one important amendment that I want to mention: repealing the 2002 Iraq AUMF. This bipartisan measure was reported out of the Senate Foreign Relations Committee earlier this year, and I said months ago that the Senate should hold a vote on it. The NDAA is a logical place to do so.

The Iraq war has been over for over a decade. An authorization passed in 2002 is no longer necessary for keeping Americans safe in 2021. It has been nearly 10 years since this particular authorization has been cited as a primary justification for a military operation, and there is a real danger to letting these legal authorities persist indefinitely. Repealing this AUMF will in no way hinder our national defense, nor will it impact our relationship with the people of Iraq.

I want to thank Chairman MENENDEZ, Senator KAINE, Senator YOUNG, and every Republican and Democratic cosponsor of the bill for working to bring this issue to the floor. And in the coming days, I hope we can come to an agreement on other commonsense amendments to strengthen the Defense bill so we can get it passed through the Senate as soon as possible.

#### BUILD BACK BETTER AGENDA

Madam President, on Build Back Better, now that President Biden has enacted his once-in-a-generation infrastructure bill, Democrats are taking the next steps toward passing the rest of his Build Back Better plan.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The last year and a half have been unlike any in modern U.S. history. We have had a once-in-a-century pandemic, followed by the worst economic crisis since the Great Depression.

We have come a long way this year as we have lifted our country out of the depths of these crises, but the challenges, of course, aren't over.

Americans right now want us to lower costs for things like healthcare, prescription drugs, childcare. We have a responsibility to pass legislation that will cut costs and improve American lives. That is why we need to keep working on passing Build Back Better. We know that passing this critical legislation will lower costs for some of the most basic and essential things in everyday life. And as economists from leading rating agencies said yesterday, Build Back Better will not add to the inflationary pressures in the U.S. economy.

The childcare provision could alone save families thousands of dollars each year. Families, on average, spend \$10,000 annually on childcare for each child under 4. A generation ago, this was unheard of. Build Back Better will dramatically lower costs for millions of families by providing the largest investment in childcare in American history.

The same goes for prescription drugs. If you are one of the roughly 10 million Americans who relies on insulin to manage your diabetes, chances are you have been spending more and more as the cost of this once-affordable drug has skyrocketed. It is truly one of the perplexing and frustrating trends of the past two decades.

Well, Build Back Better will make it so Americans with diabetes don't pay more than \$35 per month on insulin by enabling Medicare to directly negotiate prices in Part B and Part D—again, lowering costs, improving the lives of millions of families.

Examples go on and on of how people will have more money in their pocket given their expenses.

Build Back Better cuts taxes for parents raising kids. It makes pre-K universal for the first time ever. It will provide help for small businesses to invest within the United States and hire American workers.

And, ultimately, it is the best thing we can do to recapture that sunny American optimism that has been the key to our country's success. Creating jobs, lowering costs, fighting inflation, keeping more money in people's pockets—these are things Americans want and what Americans need, and it is what BBB does.

We are going to keep working on this important legislation until we get it done.

#### NOMINATION OF DILAWAR SYED

Madam President, now, on a much sadder note, Mr. Syed.

The Republican fixation on blocking qualified, uncontroversial, and essential nominees to fill roles in the Biden administration has hit a new and shameful low.

Yesterday, every single Republican on the Small Business Committee boycotted a hearing that would have held a vote on Dilawar Syed's nomination for the No. 2 spot at the Small Business Administration.

If confirmed, Mr. Syed would be the highest ranking Muslim American in government. This is the fifth time—the fifth time—that Republicans have failed to show up to a committee hearing for Mr. Syed.

To date—to date—we have yet heard a single legitimate reason for their opposition. At one point, some of my colleagues seemed to question Mr. Syed's allegiance because of his affiliation with a Muslim voter education group. That is repugnant, and after those objections provoked fierce criticism, Republicans came up with entirely new fabrications for their resistance.

But at no point have Republicans explained why Mr. Syed is not qualified for the job. Frankly, they can't because Mr. Syed is the definition of a qualified candidate. His nomination has been praised by hundreds of business groups, including the U.S. Chamber of Commerce, hardly a liberal crowd.

It is shameful; it is unacceptable; it is ridiculous for Republicans to keep stalling on Mr. Syed's nomination. He is eminently qualified to serve in the SBA.

Why are Senate Republicans opposing Mr. Syed's nomination? And let me ask this again because the question resonates. Why are Senate Republicans opposing Mr. Syed's nomination?

I ask my Republican colleagues to drop their resistance and allow this excellent and straightforward nominee to receive confirmation.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The minority leader is recognized.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. MCCONNELL. Well, at long last the Senate will officially turn to the NDAA. Every day, world events remind us that America faces serious rolling threats. In too many cases President Biden's decisions have actually made things worse, so our annual opportunity for the Senate to have its say is as important this year as it has ever been.

Over in Russia, Putin is preparing to escalate military hostilities along the border with Ukraine, and he is using Europe's reliance on natural gas to bully our friends. But President Biden actually removed obstacles to Putin's brandnew pipeline that will further extend his leverage and further enrich his cronies.

So I hope the Senate will consider an NDAA amendment to sanction this project and to provide additional lethal support to Ukraine. These initiatives have previously won bipartisan support, so I would hope Democrats would join Republicans in pushing back on Moscow.

China is flaunting major military innovations, like hypersonic weapons systems, stepping up airspace intrusions over Taiwan, and blaming America for their bad behavior. But while President Biden and our colleagues like to talk a good game about China, they have yet to really walk the walk. President Biden's budget request for our military and defense does not even keep pace with President Biden's inflation.

In addition, while Russia openly threatens its neighbors and China builds up its conventional and nuclear forces, there are reports that Democrats are considering unprecedented new constraints on America's own nuclear options through a "no first use" or "sole purpose" policy.

Our allies have strong concerns about this. I hope the Senate will use the NDAA process to demonstrate bipartisan support for finally modernizing our nuclear triad. That is the bedrock of deterrence and our strongest defense against these serious threats.

So, what about terrorism?

Following President Biden's Afghanistan disaster, we are facing new and growing threats there as well. The new Taliban government has made cabinet ministers out of terrorists whom the Obama-Biden administration let out of Guantanamo Bay. But the Biden-Harris administration still naively acted like these characters care one bit about international norms.

That is why Republicans have an amendment to ensure that none of the funding for Afghanistan aid can flow to the Taliban. It is an indictment of President Biden's policy that such an amendment is even necessary, but yet that is where we are.

In the Middle East, Iranian-backed terrorists are rampaging from Yemen to Iraq to Syria. They are emboldened as our deterrence has eroded. Given the multiple attacks on U.S. forces and facilities, we are fortunate more Americans haven't been killed. It may only be a matter of time before we see U.S. casualties at the hands of Iranian-backed terrorists.

However, in the wake of these growing threats, Democrats want to use the NDAA—a bill that should strengthen our national defense—as an occasion to weaken the authorities that support our military's presence and operational flexibility by repealing the 2002 AUMF. I expect a robust debate about that.

I am glad we will finally be able to have these debates and these votes. America needs a course correction, and the Senate needs to supply it.

#### THE ECONOMY

Madam President, on an entirely different matter, American families are

dealing with painful inflation every single day. They have been fighting this daily battle for months now.

A few months ago, a grandfather raising four grandkids in Missouri told reporters he had to cancel summer camp for his 8-year-old and his 6-year-old in order to keep affording diapers for their twin younger brothers.

One Maryland woman told the local news she had gone to the grocery store to buy meat for her family, but was turned away by the pricetag and had to leave with a \$2 loaf of bread instead.

One man in Massachusetts, who cares for his elderly mother, told reporters that his 94-year-old mom needs the house kept warm, so they are getting absolutely crushed—crushed—by run-away heating costs. Here's what he had to say about it:

Before, you'd go to the store, and if you had a \$100, you could buy four bags of groceries and be happy. Now you are lucky to get a bag. Milk, orange juice, eggs. Plus the oil for the house, the water bills. It's just crazy. It's so much money. How is someone supposed to survive?

This persistent and painful inflation has been directly fueled by the reckless spending spree that Democrats rammed through in March. Even if Washington Democrats didn't inflict more new damage, economists still say "we're going to see inflation get worse before it gets better."

The Democratic leader said on March 12: "I do not think the dangers of inflation, at least in the near-term, are very real."

He was catastrophically wrong. And these same people want yet another multitrillion-dollar bite at the apple.

Look, American families know the spending part of Democrats' reckless tax-and-spending spree would spell disaster. Sixty-seven percent just told a survey that Washington should cut back on printing and spending because of inflation and rising costs.

And then there is the taxing part of their reckless taxing-and-spending spree. The bill that Democrats are writing behind closed doors would hike taxes on the American people by an estimated \$1.5 trillion—a trillion and a half dollars in tax increases.

Democrats have already turned a strong economy into a shaky economy. Now they want to add the biggest tax hikes in a generation. A huge chunk of that is hundreds of billions of dollars for tax hikes on American industries and employers, because the Biden administration has become enamored with a global scheme where countries around the world supposedly all agree to hike their tax rates together.

This is an awful idea. Remember, in 2019, Republican policies had set up the best economy for working Americans in a generation. This is in large part because we just cut taxes substantially. We made America a more attractive place to do business.

So President Biden wants to do just the opposite of that: thrust America into some kind of global noncompet

agreement. We are supposed to promise Europe and Asia that we won't make America an especially attractive place to bring jobs and prosperity.

Let me say that again. We are in the process of promising Europe and Asia that we won't make America an especially attractive place to bring jobs and prosperity.

Look, it gets worse. President Biden and Secretary Yellen want America to leap over the cliff first, tax the heck out of American industries while we just wait and see if our competitors actually follow suit.

Well, you better believe China would be just thrilled to see the Democrats' bill drain hundreds of billions of dollars out of our own private sector as a symbolic gesture to the rest of the world.

Democrats' tax policies are just like their energy policies. They won't build back better. They will build back Beijing. They won't build back better. They will build back Beijing.

This is just one part of a \$1.5 trillion job-killing tax hike. There are all kinds of tax increases that would hit major employers, Main Street small businesses, and American families. Nonpartisan experts have confirmed the Democrats' bill would completely break the President's promise not to raise "a single penny more," he said, in taxes on middle-class households.

They even want to send tens of billions in extra funding to the IRS so they can hire an army of new agents to snoop and audit their way across the country. But less than 3 percent of the huge IRS windfall would fund better customer service for taxpayers.

Finally, in the midst of all these tax hikes, Democrats from New York, New Jersey, and California have managed to include—listen to this—a massive tax cut for wealthy people who choose to reside in high-tax blue States. This bonanza for blue State millionaires and billionaires would cost almost \$300 billion on its own.

Even the Washington Post could only marvel at the audacity of this. Here's their headline: "The second-biggest program in the Democrats' spending plan gives billions to the rich." That is the Washington Post's assessment of it.

In fact, even though Democrats want to hike taxes by \$1.5 trillion, their bill still manages to give a net tax cut to 89 percent of people making between \$500,000 and \$1 million, and 69 percent of households making over \$1 million.

This bears repeating. Even though Democrats want to hike taxes by \$1.5 trillion, their bill still manages to give a net tax cut to 89 percent of people making between \$500,000 and \$1 million, and 69 percent of households making over \$1 million.

All of this is a huge blow to American competitiveness: job-killing tax hikes. But Democrats make sure to look out for the ultrawealthy out on the coasts. A supermajority of them get tax cuts. I am almost impressed

our colleagues have found a way to be this out of touch.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### BORDER SECURITY

Mr. THUNE. Madam President, the Biden border crisis continues to rage. Last month, U.S. Customs and Border Protection encountered 164,303 individuals attempting to illegally cross our southern border. That is more than twice the number of encounters Customs and Border Protection had the previous October and the highest October number ever recorded by Customs and Border Protection. In all, more than 1.7 million migrants were apprehended attempting to cross our southern border in fiscal year 2021—the highest number ever.

We are in the midst of a very serious crisis, and the response from Democrats and the administration? Well, mostly crickets. Democrats seem to hope that ignoring the border situation will make it go away or at least ensure that no one pays attention. I am pretty sure the President and his administration spent more time earlier this year fighting against the use of the word "crisis" to describe the situation at the border than they did actually thinking about how they might deal with the influx. Apparently, the administration is still—still—trying to avoid the "crisis" label judging by a recent hearing wherein the President's nominee to head Customs and Border Protection seemed to carefully avoid referring to the situation at the border as a "crisis."

If the highest number of border encounters ever recorded isn't a crisis, I am not sure what is. The situation at our southern border is out of control. It is a security crisis, it is a manpower and enforcement crisis, and it is a humanitarian crisis—although, again, you would never guess it from the Democrats' behavior.

Despite the fact that this crisis has been raging for the best part of a year now, Democrats and the administration have taken essentially no meaningful action to address the situation, and that is not the worst of it. The Democrats' policies are actually making the situation worse.

Among other things, the President has significantly limited the ability of Immigration and Customs Enforcement and Customs and Border Protection to enforce immigration laws, and arrests in the interior of the country dropped steeply under this administration. The Washington Post recently reported:

Immigration arrests in the interior of the United States fell in fiscal 2021 to the lowest level in more than a decade.

The practical effect of the President's immigration policies has been to encourage new waves of illegal immigration. It is hardly surprising. If you think that your chances of staying in the United States are good, even if you are here illegally, you are likely much more inclined to undertake the journey in the first place.

The administration's actions—or lack thereof—have been compounded by the actions of Democrats in Congress who have been doing their best to guarantee widespread amnesty. Democrats have repeatedly attempted to include some form of amnesty in their tax-and-spending spree. While they have been partially foiled by the rulings of the Senate Parliamentarian, the latest version of their bill still contains provisions to grant de facto amnesty to many illegal immigrants.

Their spending spree also deliberately lacks restrictions on Federal funding going to individuals in the country illegally, which means that illegal immigrants could end up receiving the \$3,000-per-year child allowance, housing vouchers, and more. One analysis suggests that illegal immigrants could collect \$10.5 billion in child allowance payments next year.

I haven't even mentioned reports that the Biden administration has apparently been contemplating settling lawsuits brought by individuals, who came here illegally, with payments of up to \$450,000 per person—\$450,000. That is right. That is more than four times as much as the government gives to the families of soldiers killed in action and nine times—nine times—as much as the government gives to an individual wrongly imprisoned for 1 year. The administration has suggested that payments will not actually be that high, but even a settlement half that size would dwarf the payments that we give to the families of fallen soldiers.

Immigrants have helped make this country what it is today, and I am a strong supporter of legal immigration, including temporary worker visas, like H-2B visas, which help South Dakota employers and many others address hiring challenges, but, again, immigration has to be legal. Encouraging illegal immigration, as the Democrats are doing, presents a serious security risk because it makes it easier for everyone from terrorists to drug traffickers to enter the country unidentified, to say nothing of drugs like fentanyl and other illegal items.

Encouraging illegal immigration through lax immigration enforcement and amnesty also undermines respect for the rule of law. The area of immigration should not be an exception to the principle that the law has to be followed and respected. Yet that is basically what Democrats' policies are saying—that the law doesn't matter when it comes to immigration.

Finally, we need to get away from any idea that there is anything compassionate about policies that encourage individuals to come here illegally.

Attempting to enter the country illegally is fraught with danger, from natural perils like weather, disease, and exposure, to exploitation by smugglers and traffickers. Amnesty and lax enforcement policies encourage thousands more individuals and families to expose themselves to the dangers of an illegal border crossing.

President Biden and Democrats could help stem this crisis right now by making it clear that immigration law will be enforced and that the only acceptable way to enter the United States is to come here legally. Unfortunately, it seems much more likely that the President will continue to ignore this crisis and deemphasize immigration enforcement while Democrats in Congress will continue to push for amnesty. It is a serious failure of responsibility on the President's part and one that will continue to have serious and sometimes deadly consequences.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOOKER). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE GETTYSBURG ADDRESS

Mr. DURBIN. Mr. President, it was 158 years ago tomorrow that Abraham Lincoln delivered what I believe was the greatest speech ever uttered by an American. He had been asked to say “a few words” at the dedication at the Soldiers' National Cemetery in Gettysburg, PA.

Four months had passed since the great armies of the North and South had clashed on that hallowed ground. They had fought for 3 days in the searing July heat. When the slaughter finally ended, the battlefield lay covered with the bodies of 50,000 dead and wounded soldiers and officers. It was the bloodiest battle in the hellish Civil War.

What good could come from butchery and sorrow? What great purpose had been worth such staggering loss? Those were the questions which Abraham Lincoln pondered on his train ride to answer in Gettysburg.

He spoke for less than 3 minutes—just 272 words. In those 3 minutes, he redefined the war as not a battle for territory or property, but for human dignity and human equality.

He gave us a profound, simple, new definition of democracy: “Government of the people, by the people, and for the people.” He said the fallen soldiers had done all they could do. They had given their “last full measure of devotion” to ensure democracy did not perish from this Earth.

Now, Lincoln said, it was left to us, the living, to “advance their unfinished work”—in his words, to salvage from all of that death a new birth of freedom.

He said that our Civil War was testing “whether a nation, conceived in liberty, and dedicated to the proposition that all men are created equal . . . can long endure.”

Can our democracy endure? It is a question that Lincoln pondered not just at Gettysburg but throughout his life.

Twenty-five years before Gettysburg, he had considered that question in a speech at the Young Men's Lyceum in Springfield, IL. He was a young lawyer and a newly elected State legislator, just 29 years old.

It was a challenging time in America, as it is today. Anxiety was high following a stock market panic the previous year. There was growing violence in America. Abolitionists were being killed by pro-slavery defenders. Blacks and others were being lynched with alarming frequency in the South. Lincoln feared that what he called “the justice of the mob” might replace the rule of law. Sound familiar?

In a time of such anxiety, he questioned whether people might elect a despot who would use his power to tear down the institutions of our democracy, rather than preserve them.

In his most famous passage, he warned that if American democracy were ever to perish, “it must spring up amongst us; it cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher.”

I heard those words quoted by a thoughtful Member of the House of Representatives on the night of January 6, 2021, after the mob that attacked this Capitol had gone and Congress had returned to complete our duty to certify the electoral ballots and declare Joe Biden the President of the United States.

The weapons and military programs that we will debate in the coming days are important. They are essential to protect America. But weapons alone cannot save us if we don't understand what we are fighting to defend. There is only one sure way to preserve American democracy, Lincoln told us. We must know our history. We should study the Declaration of Independence and the Constitution, he said, as if they were a Bible, so that we revere the principles upon which our democracy is built.

Our democracy can't survive if we reject the great proposition for which so many died at Gettysburg: that all people are created equal. Our democracy cannot survive if we abide by the rule of law only when it suits us. And it will not endure if we see each other as enemies rather than as friends and citizens of one Nation that we all love.

We have seen a demonstration of that particular issue this week in the House of Representatives.

In his book, “Lincoln at Gettysburg,” Garry Wills wrote that “Up to the Civil War, the United States was referred to as a plural noun. ‘The United States are a free country.’ After

Gettysburg, it became singular, "The United States is a free country."

As it says above your head, Mr. President, "e pluribus unum."

As we look forward to celebrating our national holiday of Thanksgiving, perhaps we could try a little harder to hear the "mystic chords of memory"—what a phrase—that unite us.

I think about that Gettysburg Address, and I was asked to give a speech about the Gettysburg Address at Gettysburg many years ago. I tried to set out whatever I had to say in 272 words. I think I did a fair job, but I would give myself a passing grade, at best. But it was a complete shock to my audience when I stopped at 272 words, and Lincoln said that a speech doesn't have to be eternal to be immortal.

In our lives as public servants, we are called on to speak very often. And I am reminded, time and again, the impact that Lincoln had with so few words, to capture the moment, to give people hope, and to craft phrases which still endure to this day as some of the most masterful uses of the English language one can imagine.

Tomorrow, I hope we can take a moment to recall our childhood education, when we were taught the Gettysburg Address and perhaps recite what we can of it. And I hope we will remember, even in these dark times, that we have faced harder times than this and we were delivered and this Nation endured.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. REED. Mr. President, I rise to discuss the fiscal year 2022 National Defense Authorization Act.

Over the coming days, the Senate will consider this bill, which the Armed Services Committee passed by a broad bipartisan margin of 23 to 3 in July.

I look forward to debating and improving this bill, as we all work toward ensuring our military has the right tools and capabilities to combat threats around the globe and keep Americans safe.

First, I would like to acknowledge Ranking Member INHOFE, whose leadership on this committee and this body has been invaluable. His commitment to our men and women in uniform is unwavering, and he was instrumental in helping to produce this bipartisan legislation.

As we debate the NDAA, we must keep in mind that the United States is engaged in a strategic competition with China and Russia. These near-peer rivals do not accept U.S. global leadership or the international norms that have helped keep the peace for the better part of a century.

This strategic competition is likely to intensify due to shifts in the mili-

tary balance of power and diverging views of governance. And it is unfolding amidst climate change and the emergence of highly disruptive technologies.

The interconnected nature of these threats will drive how we transform our tools of national power to respond. The passage of the FY2022 NDAA will be a critical step in meeting the complex challenges before us.

Turning to the specifics of this year's Defense bill, the NDAA authorizes \$740 billion for the Department of Defense and \$27 billion for national security programs within the Department of Energy.

For the first time in years, this legislation, like the President's budget request, does not include a separate overseas contingency fund, or OCO, request. Any war-related costs are included in the base budget.

This bill contains a number of important provisions that I would like to highlight.

To begin, we have a duty to ensure that the United States can outcompete, deter, and prevail against near-peer rivals. The NDAA supports the Department of Defense in this endeavor by providing the resources needed by the combatant commanders to carry out the national defense strategy, or NDS.

Every 4 years, the Department reports the NDS to outline the national security objectives of the administration. The 2018 NDS provided a framework, and the DOD will release a new strategy in the coming months.

In this regard, this bill creates a commission on the national defense strategy for the forthcoming NDS in order to boost our military advantage. Last year, the Armed Services Committee created the Pacific Deterrence Initiative—or PDI—to better align DOD resources in support of military-to-military partnerships to address the challenges posed by China.

This year's bill extends and modifies the PDI and reiterates the committee's intent to improve our force posture in the Indo-Pacific, to increase readiness and presence, and to build the capabilities of our partners and allies to counter these threats.

Future investments under PDI should focus on military and non-military infrastructure in the Indo-Pacific region. This will assist in distributed military operations, and it will be more effective in countering predatory Chinese infrastructure development practices.

The bill also requires the Secretary of Defense to provide recurring briefings on efforts to deter Chinese aggression and military coercion. It compels a briefing on the advisability and feasibility of increasing United States defense cooperation with Taiwan. It is important we help Taiwan improve its overall readiness and acquire asymmetric capabilities most likely to make the Chinese Government question their ability to take the island by force.

I want to emphasize, however, that our Nation's ability to deter China cannot be based on military might alone. We must strengthen our network of allies and partners, which will be essential to any strategy for the Indo-Pacific region. We must also ensure that, as we shift our focus to the Indo-Pacific, we do not lose sight of priorities in other areas, like Europe.

This year's bill authorizes the continuation of the European Deterrence Initiative—or the EDI—recognizing the continued need to invest in support for our European allies and partners as we work toward the shared goal of deterring Russian aggression, addressing strategic competition, and mitigating shared security concerns, the most recent one being the amassing of Russian troops on the border of Ukraine.

Turning to personnel, the key factor that makes the United States the greatest military power in the world is its people. We need to ensure that our uniformed personnel know every day how much we appreciate what they do and that we have their backs.

Congress has done a good job in providing benefits to the military and their families, and this year's Defense bill continues to do that. But our military is showing the strain of two decades of continuous deployments, and I am concerned that there has been a dangerous erosion of trust within the chain of command; and issues such as racism, extremism, sexual harassment, and sexual assault have been allowed to fester and create friction and division.

The Department of Defense is addressing those issues, but Congress must provide guidance and resources. To this end, the bill strengthens the All-Volunteer Force and improves the quality of life of the men and women of the total force: the Active Duty, the National Guard, and the Reserves; their families; and, importantly, the Department of Defense civilian employees, who contribute significantly to the effectiveness of our operations.

It reinforces the principles of a strong, diverse, inclusive force and that force cohesion requires a command climate that does not tolerate extremism or sexual assault misconduct or racism; and that quality healthcare is a fundamental necessity for servicemembers and their families.

Importantly, this NDAA includes the funding necessary to support a 2.7 percent pay raise for both military servicemembers and the DOD civilian workforce. We have also included a provision that would amend the Military Selective Service Act to require the registration of women for Selective Service. I am proud of this position, which passed the Armed Services Committee on a broad bipartisan basis.

Society, the military, and the nature of warfare itself have evolved significantly since the 1948 Military Selective Service Act passed. Back then, women were denied the opportunity to serve in

combat roles and key leadership positions, and entire technologies and platforms didn't even exist.

Today, all military occupations, including combat roles, are open to women, and military success depends heavily on servicemembers with advanced education and technical skills in STEM, cyber, medicine, languages, and more.

To be clear, I am hopeful that we will never have to draft again. If we do, however, it will be under circumstances so dire and existential that to voluntarily choose to enter the fight with anything less than our very best would be supremely foolish and potentially fatal. If we are going to have a Selective Service System, women must be a part of it. Basic equality and military readiness demand parity between the sexes to protect our country and uphold our values. In the meantime, it is time to end outdated sex discrimination and remove it from official policy and Federal law.

The bill also creates a new category of bereavement leave for military personnel that would permit servicemembers to take up to 2 weeks of leave in connection with the death of a spouse or a child. Similarly, in an effort to provide greater care and support to our military men and women, it increases parental leave to 12 weeks for all servicemembers for the birth, adoption, or foster care placement of a child. It establishes a basic needs allowance to ensure that all servicemembers can meet the basic needs of their families, and it requires parity and special and incentive pays for members of the Reserve and the active components.

In addition, I am proud that this bill makes historic changes to the military justice system to combat and discourage sexual assault and related misconduct within the military. Sexual assault is an unconscionable crime and a pervasive problem in the U.S. military and American society writ large.

When it comes to the military, one of the basic ethics is that one must protect your comrades and your subordinates; one cannot exploit them. Sexual assault and sexual harassment is an example of unconscionable exploitation, and it must be eliminated. We must take comprehensive action to halt sexual misconduct, hold offenders accountable, and support survivors. While the military has tried to stop sexual assault in the ranks, it simply hasn't been enough.

I commend President Biden, the Department of Defense, and the Independent Review Commission for their work on proposals, which we have considered during our markup and which are reflected in the bill. We will continue to work with the administration and the House to move toward enacting this momentous change.

Turning now to the areas of air, land, and sea power, with respect to our services, we have taken steps to improve their capabilities, their readiness, and their ability to fight and win.

This bill makes significant efforts to improve the readiness of the Navy and Marine Corps aircraft, ships, and weapons systems. It provides considerable investments in our next-generation Arleigh Burke-class destroyers, including an increase of \$1.7 billion to restore a second guided missile destroyer to this year's budget and \$125 million for long lead material for our destroyer in fiscal year 2023.

The bill authorizes \$4.8 billion for the Columbia-class submarine program and for industrial-based development and expansion in support of the Virginia and Columbia shipbuilding programs, an increase of \$130 million.

I was up at Quonset Point, RI, recently, where all submarines start their construction. Along with the Deputy Secretary of Defense, Secretary Hicks, we saw the progress that we are making to build two Virginia-class submarines a year and turning out the first Columbia-class ballistic missile ship to replace the Ohio class.

We are moving forward. And, frankly, many believe—as I do—that undersea strength is the best form of deterrence that we have. And as we deploy more submarines, we will have a greater ability to deter potential conflict.

This bill also increases the Landing Helicopter Assault replacement funding by \$350 million and the Expeditionary Fast Transport vessel program by \$270 million.

Growing our surface and undersea warfare capabilities will be vital to our success in the Indo-Pacific region, and this NDAA makes important progress in this area. It is consistent with our defense strategy of shifting our focus to the Pacific, which requires a shift of resources to the Navy and Marine Corps.

Similarly, the bill authorizes funding to strengthen naval aviation, including five additional F-35 fighter variants, one additional E-2D Hawkeye aircraft, two additional C-130J Hercules aircraft, an additional KC-130J tanker, two additional CH-53K helicopters, and two MQ-4C Triton unmanned aerial systems.

Now, with respect to the Air Force, the bill increases authorization funding by providing an additional F-35A fighter, five additional F-15 fighters, and extensions on the minimal capacity of several Air Force platforms.

With respect to the Army, I am pleased that the bill advances research and development in important future technologies and makes broad investments in generational Army modernization efforts and continues to upgrade significant enduring capabilities.

Our bill focuses on filling critical deficiencies and increasing investments in rapidly evolving demands. Further, it funds rapid development and fielding of land-based, long-range fires, including the precision strike missile, medium-range capability, and long-range hypersonic weapons.

It also provides funding for future long-range assault aircraft and future

attack reconnaissance aircraft, increased funding for the future tactical unmanned aircraft system, and authorizes full funding for the AH-64 Apache attack helicopters and the UH-60 Black Hawk utility helicopters.

We are at a critical junction in a technological race with our near-peer competitors. We have enjoyed a technological lead over the last many decades. That lead is shrinking, and we have to not only develop the best of new technologies; we have to get them in the hands of our troops as quickly as possible. And that is what we are trying to do in this legislation.

Again, the issue is deterrence first, and what will help deter any conflict will be the realization of our adversaries that they are going up against the most sophisticated, technologically capable military in the world, manned by the most dedicated and skillful women and men in the world. That is what we are hoping to encourage.

Likewise, with respect to the Army, the bill supports the modernization of its ground combat vehicles, including the M1 Abrams tanks, Bradley Fighting Vehicles, Paladin self-propelled howitzer, tactical-type vehicles.

Having the platforms and the personnel is critical, but they have got to be ready to go, and we have taken great pride in trying to improve the readiness of our forces.

This NDAA authorizes more than \$2.8 billion for additional military construction projects after funding other large projects in the budget request. This bill also includes a number of provisions that will help acquisition outcomes by strengthening the ability of DOD to analyze the defense industrial base, evaluate acquisition programs, and implement acquisition reform efforts.

It also streamlines processes to allow the Pentagon to invest in and incorporate advanced commercial technologies to support defense missions and strengthen DOD small business programs to allow partnerships with innovative, high-tech companies.

From post-World War II until very recently, we were really in an industrial age, and the United States led the world. We have now moved to a post-industrial age where the new technologies, the new innovations aren't coming out of government labs or the Bell Labs; they are coming out of small business; they are coming out of young people who have come up with great ideas.

And what we want to do and what we want to empower the Department of Defense to do is to be able to get those ideas, develop them, and incorporate them rapidly into our military forces.

That means we have to develop partnerships with small business and think in a different way. We have to think about a more entrepreneurial acquisition system rather than "this is the way we have always done it and are going to keep doing it."

We also have another area that we have to pay attention to, and that is

the area of the modernization of our nuclear triad. I recognize the concerns voiced by some of my colleagues about the cost of, and genuine disagreements about, our Nation's nuclear policy. From my perspective, nuclear deterrence is the bedrock of our national defense. For our nuclear deterrent to be credible and to ensure these weapons never need to be used, they must be capable and ready for use.

The deterrence that we have enjoyed for many, many decades has been gained by the acknowledgement by all other nuclear powers that we are more than capable to respond. Our allies and partners depend on the U.S. nuclear umbrella. That is one of the reasons why the proliferation which President Kennedy thought would be almost universal has not developed. And modernization of our strategic forces is necessary to ensure their dependability.

One thing I think everyone agrees on, and I think often gets lost in the discussion, is another factor: arms control and modernization of our nuclear forces are inherently linked together. We must reinvigorate our efforts on arms control so that we do not have a situation where the proliferation issue becomes more obvious and more dangerous. So even as we modernize, we should seek ways to promote strategic stability, like the extension of the New START agreement and follow-on talks to cover new strategic weapons and further reduce nuclear stockpiles. The best way to reduce nuclear weapons is through negotiated mutual arms reductions rather than unilateral actions. That has been the history of the Cold War, which with the Soviets and the United States we were able, with every Presidency, to come up with some type of agreement. Unfortunately, we took, I think, a less aggressive posture in the last administration, but we have to renew significantly our arms control efforts and make them clear that it is mutual interest of Russia but also China because China is a growing nuclear power with a very deliberate plan to increase significantly their nuclear arsenals.

We have to get a situation where there is at least a trilateral negotiation between the United States, China, and Russia for our own mutual benefit. And part of that is also not just looking at numbers but looking at the safeguards that each country places on the use of nuclear weapons.

We do not want a situation where there is an accidental launch that triggers a catastrophic response. We have much to do. But I will emphasize again that simply rebuilding our triad without rebuilding our diplomacy is not the best path forward.

What we have tried to do in this bill is to enhance deterrence through a number of factors, including recapitalizing the nuclear triad; ensuring the safety and security and reliability of our nuclear stockpile, our delivery systems, and our infrastructure; increas-

ing capacity in theater and homeland missile defense; and strengthening non-proliferation programs.

We have—particularly our land-based missile systems—installations that were built in the 1960s. They are roughly 60 years old. They are showing wear and tear. And the delivery vehicles are also old. That is part of our modernization program. The Columbia class is the first of our new ballistic missile submarines. We have to replace the Ohio class because, frankly, that fleet will literally wear out. They won't be capable to go to sea at some point in the future. And that is why we are beginning right now. We are also looking at a new, sophisticated armor that will complement the other two legs of the triad.

And because this involves the Department of Energy and the National Nuclear Security Administration, we authorized \$20 billion for this effort. We have funded the Department of Energy's other defense activities at \$920 million and its nuclear energy activities at \$149.8 million. This is all part of having an effective deterrence.

Now, as we have seen, our adversaries are developing other capabilities at an alarming rate. With regard to hypersonics, it is especially clear that China is working to develop capabilities that evade current missile defense capabilities possessed by the United States and our allies. To address these threats, the bill authorizes the Missile Defense Agency to develop a highly reliable missile defense interceptor for the Ground-Based Midcourse Defense System. It also authorizes the procurement of the Iron Dome short-range rocket defense system, David's Sling Weapon System, and Arrow 3 Upper Tier Interceptor Program to support our closest ally in the Middle East, Israel.

There was a barrage emanating from Israel's neighbors of approximately 4,500 missiles over the last year. And Iron Dome, which was created by the Israeli Government, knocked down a significant number of those missiles protecting the State of Israel. So this is not an academic exercise; this is supporting a close ally.

And it is also clear, as I mentioned before, China is expanding its nuclear weapons stockpile at a faster rate than we have seen from any other nation. It appears that China is seeking to at least reach parity with the United States and Russia in its efforts to become a world-class military. To respond to this and other countries' proliferation efforts, the NDAA authorizes \$239.84 million for Cooperative Threat Reduction Programs to stop the proliferation of nuclear, chemical, and biological threats around the world.

If you take those three aspects—improving our military capability, invigorating our diplomacy, and actively using Cooperative Threat Reduction—to lower the ability and capability of those that have nuclear weapons, that is the best path ahead.

Now, we have understood over the last several years that what is causing a great deal of destruction in this world in every aspect is technology, including cyber space activities. And we, again, are trying to hone and invigorate our technological innovation in this area.

Innovation has long given us the strongest economy and military in the world. But it must be nurtured and maintained through careful investments and strong leadership in both the public and private sectors.

I believe we have an advantage because we have such a great educational system, a great entrepreneurial system, the creativity and talent of the American people, but we have to focus on needs for our military and national priorities.

And our top priority for Congress must be maintaining strong investments in technology areas that we know will shape future conflicts. This year's NDAA includes multiple provisions to accelerate the modernization of the Department of Defense by investing in research and development of cutting-edge technologies and delivering them in a timely manner to the force. Specifically, it authorizes an increase of more than \$1 billion for science and technology programs that fund cutting-edge research and prototyping activities at universities, small businesses, defense labs, and industry, including in critical areas such as artificial intelligence, microelectronics, advanced materials, 5G, and biotechnology.

The bill also authorizes an increase of more than \$500 million in funding for DARPA, the Defense Advanced Projects Agency. DARPA has been conducting high-risk, high-payoff research for years, including such areas as quantum computing and assisting with universities to accelerate their research. Importantly, the implements a number of recommendations from the National Security Commission on Artificial Intelligence, which the Armed Services Committee established in a previous NDAA. The \$500 million of funding for DARPA will be extremely critical to the future and will produce, I think, some breakthrough technologies that not only DOD will use but will become commercial products for our national economy.

And recognizing, again, the competition between the United States and China on certain militarily-relevant technologies, the bill strengthens the language of the CHIPS Act to ensure the national network for microelectronics research and development to support the development of world-leading domestic microelectronics technology and manufacturing capabilities.

Now, I mentioned one of our problems is that we are moving from an industrial age, in which we were the dominant power in every dimension, to a new post-industrial age, where technological innovation has been distributed. Other countries, because of the



nature of cyber and other technologies, are beginning to catch up with it and, in some cases, pass us. Often, and especially in the Department of Defense, one of our problems has been procurement and acquisition practices. The Department's approach has been convoluted, poorly communicated, and burdened with inertia that makes partnering with private industry far too difficult. As America confronts threats around the globe that are evolving at unprecedented speeds, we must find a better way to identify our defense needs, communicate them, and deliver them in a timely manner.

There are several areas that, if transformed, could allow DOD to more effectively do this. The fiscal year 2022 NDAA makes important progress by establishing an independent commission to review and assess the planning, programming, budgeting, and execution—or PPBE—process and identify areas for reform.

The PPBE process has, for many decades, since the 1960s, given DOD leaders a way to evaluate the resources they need and to deliver them to the troops. However, as I mention consistently, it is a bit of a relic of the industrial age.

It came in 1961 under Secretary of Defense Robert McNamara, the former chief executive of the Ford Company. And at that time, it was the most sophisticated way to manage resources and do research, but that was the height of the industrial age.

We are now in a situation much different. So we need to modernize the procurement system and the acquisition system that we have in place. We have to make it more rapid, more agile, more capable of absorbing new products and getting them into the hands of the troops.

So in addition to establishing this independent review commission, the NDAA requires the DOD Comptroller, along with the DOD's Chief Information Officer and the Chief Data Officer, to submit a plan to consolidate the IT systems used to manage data and support the PPBE process.

One of the things we have discovered is there is no really integrated data plan in the Department of Defense—the largest Federal entity. There are multiple different brands of software systems, different brand of hardware. Some can talk to others, some can't. There is no successful company today that has such a, shall we say, slightly immature information processing system, and we have got to change it.

Similarly, management transformation is badly needed with the Department. As I said, it is one of the largest bureaucracies in the world, and the Government Accountability Office has put the Pentagon's approach to business management on its high-risk list, citing its vulnerability to waste, fraud, and abuse, inability to pass a financial audit, and a culture that remains resistant to change. To spur transformation, this NDAA requires the Secretary of Defense to improve

Pentagon management by leveraging best practices and expertise from commercial industry, public administration, and business schools.

I am confident these steps will allow us to leverage the best of American ingenuity and market talent that drives innovation. At the end of the day, we should think about management as a defense capability like any other. We hope we are opening up a new day of more efficient and sophisticated management, more integrated communication, and doing it in a way that will produce results that will get the best technology into the hands of our fighting men and women.

One factor that we all are aware of every day is the challenge of cyber security. The cyber domain impacts everything we do, so there is absolutely no surprise that it has impacted the Defense Department and its industrial base. We need to ensure that our industrial base has improved cyber security, that they are not the back door through which our adversaries will use to enter and gain access to even more critical elements of our national security. As the recent SolarWinds, Microsoft Exchange Server, and Colonial Pipeline breaches painfully illustrated, traditional “perimeter-based” cyber defenses are simply inadequate to deal with sophisticated threats. Our adversaries are clearly advantaged in cyber domain and are likely to succeed in penetrating static defenses. Therefore, this NDAA requires the development of a joint “zero trust” cyber security strategy and a model architecture for the Department of Defense information network. It also authorizes an increase of \$268.4 million across DOD to support cyber security efforts.

We all recognize that cyber is a persistent threat to everything we do. As one very thoughtful gentleman said years ago at a function I was at, “Breakthrough technology like cyber has two effects. It makes good things better and bad things worse.” And that is exactly what we are witnessing every day. So we have to exploit the good things and get them into our system and be much more vigilant at protecting us from the bad things.

Similarly, as the COVID crisis has made clear, we need a coordinated industrial policy to ensure that we have a robust, secure, and reliable technology and industrial base, especially in critical and emerging technology.

We need to give the DOD the tools and expertise to understand its supply chain and its physical security challenges, its financial challenges, and influence from commercial market trends. To that end, this bill directs the Comptroller General to conduct a comprehensive assessment of research, development, test, and evaluation authorities and other similar authorities and brief Congress on its findings.

The pandemic has shown many interesting things. Many companies and suppliers to our defense thought their products were coming from the United

States, only to discover that critical components came from elsewhere and sometimes countries that were not particularly friendly to us. So we have to look seriously at our supply chain.

Finally, while I spent most of my time speaking about future challenges and how we prepare the Department of Defense to face them, we cannot lose sight of the events surrounding our withdrawal from Afghanistan.

After nearly 20 years of war, enormous sacrifice by American and coalition military, diplomatic, and intelligence personnel and vast U.S. investment, the Afghan state has failed, and the Taliban has taken control.

The Armed Services Committee has undertaken a series of hearings seeking to understand the collapse of the Afghan National Defense and Security Forces. While there is temptation to close the book on Afghanistan and simply move on to long-term strategic competition with China and Russia, we must learn the lessons of the last two decades to ensure that our future counterterrorism efforts in Afghanistan or anyplace else continue to hold violent extremists at bay.

The top-line defense number in this bill, together with the allocations set by Chairman LEAHY for defense and nondefense funding across the 12 appropriations bills, provides a realistic balance for funding the military and the rest of the Federal Government.

Once we have completed work on this important authorization bill, we need to complete the appropriations process. It would be a tremendous mistake and harmful for our national security, our economic prosperity, and our public health to resort to a continuing resolution to fund the government for an extensive period.

I have calculated, roughly, that if we go into a yearlong continuing resolution, the Department of Defense will lose \$36 billion, and the consequences of that would be staggering, particularly at this moment where we face challenges across the globe.

We have near-peer competition with Russia and China, dangerous developments in East Africa, and situations across the board where we need to be ready to go looking at the threats, not looking internally at how we are going to pay to keep the lights on.

Again, to avoid this self-inflicted damage, we have to pass a budget, as well as this authorization bill.

Let me conclude by once again thanking Ranking Member INHOFE and my colleagues on the committee for working thoughtfully on a bipartisan basis to develop this important piece of legislation.

I would also like to thank the staff who worked tirelessly on this bill throughout the year—and tirelessly is an understatement. While we were leaving after our last vote, they were staying hours later to get this bill in shape to pass and then to begin our dialogue with the House. It is the staff of both sides. I salute my Republican



colleagues' staffers and my staffers for their job.

I look forward to a thoughtful debate on the issues as we go forward.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHATZ). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for such time as I shall consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. First of all, this is a big deal, what we are embarking on now. It is something that—people understand it is the most important thing we do around here.

Let me just say that my partner JACK REED and I have been doing this a long time. I have often said how fortunate I am. You know, we hear all year out there in the real world about how everybody hates everybody in Washington; we want to compete with each other. But, you know, every year when we do the NDAA—that means the National Defense Authorization Act—it is the biggest and the most important bill of the year. Even though people think it is all happening inside this 2- or 3-day period, it is not. It is something that goes on all year long, and we have gotten to know each other very well. We know there are some areas where we have differences, but very rarely do we have differences that would impair our mission, and our mission is the most important mission that we have year-round.

So I appreciate very much Chairman REED, what he has been doing along with me, what we have done together. The NDAA has a long history of bipartisanship, and Senator REED and I have worked together to get this bill through the committee with an overwhelming, bipartisan, 23-to-3 vote to bring it to the floor. That is where we are today. That is something you don't hear about in Washington, that you can pass something out of a committee by a vote of 23 to 3, but we did, and we did it because this is a bill that is done by the Members.

The world is getting more dangerous by the day. We know that is the case. One notable example is what is happening now at the Ukraine border. Just weeks after conducting its largest military exercise in 40 years, Russia came dancing in, advancing a huge military buildup on the border. In fact, the Defense Minister from Ukraine was in my office this morning and was talking about all the things that are going on there.

According to the image that we have by satellite, we are seeing tanks, we are seeing missiles, and we are seeing artillery. Here is why I am really con-

cerned: We are seeing even military ambulances. Why would Putin be putting in military ambulances if he was not expecting casualties? The answer is, he wouldn't. So we have an idea what is going to happen.

In addition to this equipment, the experts are reporting that 90,000 Russian combat troops are amassed along Ukraine's border. These troops are in a more threatening posture than they have ever been before. They are in the south and in the north. They are knocking on the door of Kyiv. All that is going on right now.

It might sound crazy that Russia would want to deploy so many forces now in November to a region where the winters are brutally cold, but there is something not many people really think about; that is, frozen ground is easier to move around heavy equipment like tanks and artillery.

I am not the only one who is sounding the alarm on this. Earlier this year, Senator ROUNDS and Congressman TRENT KELLY and I visited Romania, which, like Ukraine, sits on the frontlines of Russian aggression. At that time, Romanian military officials warned us that Russia was moving from a defensive to an offensive posture in the Black Sea. We are seeing that now. Everything we have predicted is happening now, and that assessment of the shift was actually right.

Putin is capitalizing on what he perceives as U.S. weakness. He knows that our NATO allies are disturbed by the catastrophe in Afghanistan and that many of the European nations fear that the United States is no longer interested in trans-Atlantic security.

The President shouldn't have done what he did, and we all—I think most Americans know that. It was a disaster, the way he put this thing together in Afghanistan, and now we know where we are on this. It is tempting to say that we have seen this before, but I don't think we have just like this.

So this is about Americans, NATO, the credibility and the capability, and that is why the NDAA is so important every year but especially this year. But, first, let's be frank: Russia is far from our only threat. In 2008—this is a document that a lot of people have looked at and thought, why didn't we do this before? This was back, I think, in—what was it? About 5 years ago, it was put together. We had what we considered to be the top six Democrats and the top six Republicans on defense, and they put this book together. It is a very brief book, but we have been—this has been our Bible. We have been doing this now for a long time, and the things that we were predicting at that time are actually becoming a reality.

It tells us for the first time—and this is significant. People don't understand this. For the first time, we have two major adversaries at the same time. This hasn't happened before. And, you know, we are talking about Russia.

Yes, that is significant, and you have heard me say this before—the Chinese Communist Party has been investing heavily in modernizing its military. Over the last two decades, their military spending has gone up 450 percent—just in the last two decades. Now, we are not doing that over here.

You know, I have to say—and everyone realizes this—these communist countries have a great advantage. They can move and move quickly, and they don't seem to have any limitations. Now, we are seeing the results of that investment. They have tested hypersonic missiles that we don't even have anymore. I have to say that again. Hypersonic missiles are something they have and they are using. They have tested. We have seen it. We don't even have it, and we don't have any counter to that. They are leapfrogging us in other critical areas, like artificial intelligence, and they are rapidly expanding their nuclear arsenal and infrastructure.

These investments in military capability are done with real purpose. They are a threat to Taiwan and other allies in the Indo-Pacific. Ambassador Bikhim Hsiao was in my office this morning—Ambassador from Taiwan—and we were looking at things that are going on there, just like we are looking at from the Russian area.

But the threat China poses to our own interests can't be overstated or underestimated.

Meanwhile, North Korea—so it is not just those two countries. North Korea is out there. Iran is out there. They are also continuing their threatening behavior. North Korea is conducting missile tests of its own, and Iran continues to back proxies striking at U.S. troops and our interests—most recently, we have seen in Syria.

The terrorist threat in Afghanistan is also resurging thanks to the disastrous drawdown that continues to undermine U.S. credibility. We know that ISIS-K and al-Qaida have the desire and intent to strike our homeland. This is something that a lot of people don't understand. A lot of people don't believe the threat that is out there. Now we know when they will be able to strike us, and it is closer than you think. As soon as 6 months from now, the Senate Armed Services Committee was told just last month this could happen.

So I don't say this to be dramatic. This is a reality, plain and simple. The world is more dangerous than it has ever been in my lifetime—by the way, people have reminded me over and over again yesterday and today, since it was my birthday, how long that lifetime has been—and we have seen a lot, but we haven't seen anything like this before.

National security needs to be the top priority. Without a strong military defending our way of life, nothing else matters. We can talk about other things, but it doesn't really matter if we can't do that.

Since World War II, we have ensured peace through the world by projecting strength. Our military should and must serve as a strong deterrent to our adversaries, and they have to know that they can't beat us. Some people are questioning that, but they have to know that they can't beat us, and we have to show them that they can't. Yet we are fully aware that they have things we don't have. They have technology we don't have. This is something we haven't dealt with before.

President Biden's inadequate defense budget request, the irresponsible drawdown in Afghanistan—something he shouldn't have done; the administration should not have done—and the lack of commitment to shared nuclear security are calling that into question. It is evidence that we aren't prioritizing national defense, and we already have seen what happens when we don't prioritize national defense. We see upticks in destabilizing, threatening behavior—exactly what Putin is doing right now. Just imagine what would happen if Putin and Xi thought they stood a chance to beat us if we didn't turn things around, and that could happen.

It is a reality today that people don't understand and should understand. Americans take for granted the idea that our military is the best. You know, when I go back to not just my State of Oklahoma but all around the country, people assume that.

You know, I am old enough to remember what was happening at the tail end of World War II. We learned a lesson. We learned to be prepared, and for a long period of time, we had the best of everything. We had the best modern equipment, all of this, and that isn't the case today. Americans take for granted that we have the best of everything, but we don't. It is just not true anymore.

Don't just take my word for it, you know, just take it from me; a couple of weeks ago, our Nation's No. 2 military adviser, General Hyten—no one disagreed—I don't know of anyone who would actually argue with General Hyten. He was explaining how China is on pace to surpass us if we don't do something to change what is going on today. That is General Hyten. I don't know a more knowledgeable person anywhere in America or elsewhere.

We can meet these challenges. We can put our country back on the right track. That is going to take real investment and real strategy. Congress has a very important role to play here. We pass the National Defense Authorization Act and Defense appropriations each year, and every year, we give our military what it needs to set this thing right.

Now, I am proud to say that this year's NDAA goes a long ways to making our country more secure. I am not saying it is perfect, but it is very good and a necessary start. And that is what this is all about now. It is what we are going to be passing—I am talking

about tomorrow or the next day—and going into this long process that includes both the House and the Senate.

So let's start with one of the biggest ways to strengthen our national defense: authorizing an additional \$25 billion in funding for the Department of Defense. This is just a floor for defense spending.

Now, it is important that we understand this President has not been a good President in terms of building the national defense. He just isn't. You know, his budget request shortchanged our national defense. In fact, if you put his budget numbers in terms of defense and nondefense, the amount that goes to nondefense averages about a 16-percent increase, and the amount that goes to defense is a 1.6-percent increase. Now, that is the President's budget. It is not my budget. It is not our budget. It hasn't passed, but nonetheless, that gives you an idea of where we are right now. The emphasis is not on defense. It should be, and it is not.

President Biden's budget request shortchanged the national defense. It didn't even keep pace with out-of-control inflation. Inflation right now—the figure is above the 1.6 percent, and that is where we are today. It actually cut funding for our military even as we face the growing threats that I mentioned. And we are talking about the—compared to the inflation thing that is happening right now. So I am glad the Armed Services Committee almost unanimously adopted my amendment to increase the Department of Defense's budget top line. This is the bare minimum of what we need to meet the threats that we face. This is what underscores everything we do.

The bill also makes sure this money is spent the right way. As we have for the past few years, we are using the 2018 national defense strategy—that is this book I referenced just a minute ago—as kind of our roadmap, and we are using this for that.

The NDAA focuses on the Indo-Pacific, which is our priority theater, by emphasizing investment in the region through the Pacific Deterrence Initiative, the PDI, which we started in last year's bill.

The way this works is we are—it is continuing as time goes by. We have a bill, and the bill is activated, usually in December, but then we are already into the next year. So while this seems—people say: You are only talking about one bill a year. It doesn't really work out that way.

It strengthens our supply chain so we are not reliant upon China, but we are doing that right now. It addresses the threats posed from information warfare, and it deters the foreign malign influence. It also stands strong against Russia.

Perhaps most importantly, it provides critical lethal aid to Ukraine, and we know that these things are working. While radios and cold-weather gear are needed, they won't deter Putin's strategy and his ambitions. Weapons like

the Javelin anti-tank missiles, on the other hand, remind him that invading and annexing Kyiv will have real and concrete costs.

We know Russia and China are expanding their nuclear arsenals. Our nuclear stockpile serves as the cornerstone for our deterrent, so we have to keep it safe, secure, and effective. That is why the NDAA supports the nuclear modernization our military commanders say is their top priority.

It provides support for our allies and partners around the world. Unfortunately, our allies and partners are questioning our commitment right now after what happened in Afghanistan, and they are feeling like they were being told and not consulted. They didn't even know—that withdrawal that should not have taken place but did take place in Afghanistan is one that they were not even aware of.

It provides the reassurance of American credibility that they desperately need to rebuild and cement those relationships. With strong allies and partners around the world, we will ensure the balance of power in our favor, but we are not there yet.

When it comes to hard power, this bill makes serious investments in equipment we need to fight and win wars now—growing our naval fleet, expanding next-generation fighter capability, and providing for the largest investment in military construction in a decade.

It looks to the future too. We know that we need to accelerate innovation and develop the technology that is going to help defeat whatever our enemies might throw our way. Yet, in many of these emerging technologies, we risk falling behind. In some cases, we already have fallen behind. It is kind of hard for us to accept that in America, as we went through several decades—I think since the Second World War—not falling behind, but we have now. So this year's NDAA invests in defense technology that would put us back ahead of our competitors. That is our goal. Things like microelectronics, artificial intelligence, hypersonic weapons, 5G—these are the areas that we are working on to get back in the driver's seat. We have fallen behind. It is hard to say that, that America is falling behind.

You know, General Hyten said recently something that I really think is important for everyone to hear. He said that we must “focus on speed and reinserting speed back in the process of the Pentagon . . . and that means taking risk, and that means learning from failures, and that means failing fast and moving fast.”

I have to say that General Hyten is certainly one of the greatest warriors of our time. We should be listening to him.

We have serious problems. We have to get policies and authorities in place to let the Pentagon move quickly and, as General Hyten put it, “fail fast.” As he retires this week, I think it is clear

why he is a national hero. He knows what is going on.

Now, too much is hampered by bureaucracy at the Pentagon. The NDAA encourages the Pentagon to move faster, to take risks, and to jumpstart the innovation that we need to succeed, but we have to realize the impact.

This is really the most important thing this bill does. We take care of our troops. People talk all the time about how much we spend on military. I hear a lot of people around who don't think we need a strong military. A lot of them talk about why we spend more on our military than Russia and China put together.

Yes, that is true; but we have costs that others don't have. Communist countries don't have the cost of taking care of their people. In fact, the most important thing we do is take care of our troops. Even though China and Russia are building up and modernizing their militaries, they don't take care of their people—they don't claim to take care of their people—and we do. The most expensive thing we do in our military is to take care of our military. We take care of the schools and the people who are out there taking the risk.

This bill takes care of our troops in so many ways. It improves their healthcare. It provides education and childcare for their children, and makes sure their spouses can have meaningful employment as they move from area to area. It is a unique problem that our spouses do have, as they are moving around the country.

And so, again, we are competing with China and Russia and other countries, and none of them have this problem. This is the greatest expense that we do. Our servicemembers represent the very best in the country. If they do have to go into harm's way, it is our responsibility that they are the best prepared, best equipped, and the best led forces in the battlefield, and the bill does that.

But we don't want them to go to war. We want to prevent those wars from happening. As I said earlier, the best way we do that is by projecting strength, sending a message to our adversaries that there is no chance that they can beat us.

The NDAA is the major way that we send that message. And that is why the NDAA—the National Defense Authorization Act, the most significant bill of the year—has been enacted into law every year for the past 60 years. This will be the 61st year.

So we are going to get it passed, but it almost never comes up this late in the year. This is the disadvantage we are working from, but it always gets done eventually. We still have a lot of work left to do after this and not a lot of time to do it.

You know, we can't afford late starts. If you do late starts, sometimes it ends up being just down to four people. Both my partner and I have been in this situation where we have been down to what they call the big four, making all

these decisions ourselves. That is not what we are supposed to be doing. That is not what we want to do. But that is why the NDAA has been enacted into law every year for 60 years.

We built this bill around Member requests. This is unique. This is something people need to understand. We are getting our requests from the Members that are serving with us here in the Senate. We are going to have an open amendment process. We are going to have an open amendment process, and this is what we have committed ourselves to do, to make sure we are doing. So you will get another chance to mark up this bill.

So what we are doing right now is very important. You got to keep in mind, it is going to be done by the House; it is going to be done by the Senate. It is going to be something that is the most significant thing that is happening this year. But we could never work too hard or too long for our troops and national defense.

I know some of my colleagues are concerned about one provision we've got—that we have in this bill at this time, which was added in markup and included in the House bill too. Now, I oppose the addition of this provision, which changes the military draft—what the military draft does. And I want you to hear this because, if enacted, it would expand the draft so that it is not just about finding combat replacements to serve on the frontlines; it also requires women to register for the Selective Service, not just men.

I've always said, as a product of the draft myself, I know what the draft is. I was there and I served. I have always said that I understand that and I think the draft is essential. It changed my life, certainly. But I am strongly opposed to drafting our daughters and our granddaughters. So this is going to be coming up. We are going to be talking about this. Everything is going to be out in the open. Get ready for that fight, because that fight is coming, OK?

That is why I submitted an amendment to strike this provision from the underlying bill, and I will work to get it out of any conference report as well, OK?

Last week, we marked Veterans Day, and that should be a reminder to all of us why we do this. In fact, we have got 2.2 million reasons to do this—2.2 million future veterans—our volunteer force, who put their lives in harm's way and who rely on this bill getting done. And that doesn't even include their families, who are sacrificing so much. So that's out there, we know, and that is going to happen.

I know my colleagues understand this. I know they understand our responsibility to our troops and to the American people. And so I look forward to our debate on this bill, and then passing it in the traditional, bipartisan way, as we always do; and, together, we are going to fulfill our constitutional duty and meet these challenges that we

face, and we have little time to waste in doing this.

So this is the most significant bill of the year. That is what we are going to do. We are going to get it done. And let's go do it right, OK?

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I am pleased that the Senate has taken up the National Defense Authorization Act.

There is a 60-year tradition in this body of getting this bill done because the importance of this bill transcends partisanship. In fact, 81 Senators of both parties joined forces earlier this year to override a senseless veto of this important bill by the former President.

Now, while both sides of the aisle can work cooperatively to get this defense policy done, we are now seeing unprecedented—unprecedented—obstruction by the minority party for passing a budget that will fund the programs that our military and our veterans need.

Now, look, if Republicans succeed in this obstruction, I am going to tell you that the government will be forced to go to a full-year continuing resolution. That is not workable. The result will be frozen spending levels for the Department of Defense and for the Department of Veterans Affairs, which amounts to a \$70 billion cut in spending for those two Agencies alone, compared to the appropriations bills prepared in the U.S. Senate.

I serve as chairman of the Senate Veterans' Affairs Committee, and let me tell you what is at stake for America's veterans and their families. Funding will be blocked for priorities like expanding veterans' access to life-saving mental healthcare services, enhancing women veterans' healthcare, providing housing assistance, and expediting the delivery of benefits and care for those suffering from toxic exposure.

Let me say this again.

If we go to a 1-year continuing resolution, that means we go off of last year's budget, last year's spending bill. We will block priorities like expanding access to mental health services for our veterans. We will block services for expanding women veterans' healthcare. We will block services for housing assistance and for expediting what is one of the most serious issues coming out of the conflict of 20 years in the Middle East, and that is care for those that are suffering from toxic exposure.

The bottom line is this would keep the VA from properly addressing a whole host of issues on behalf of those who would put their lives on the line for this country, and they are going to continue to pay the price for us not doing our job.

As chairman of the Defense Appropriations Subcommittee, I was able to draft a bill that provided a \$31 billion increase for defense compared to last year. This military bill is consistent with the spending levels approved by

the bill we are working on today. In fact, in an amendment offered by Senator INHOFE, that amendment passed 25 to 1, which will plus-up this bill.

So why isn't the defense appropriations bill flying through this Senate just like the NDAA?

Well, I will tell you. In September, the Republicans on the Appropriations Committee announced they would vote against all appropriations bills in part because Senator INHOFE's bill doesn't increase defense with enough spending. So the idea here is, just take money and throw it at the wall and hope that it's spent right.

The bottom line is there needs to be plans and there needs to be planning. And I am going to tell you, the last time I checked, the \$31 billion increase is a pretty good chunk of dough.

So it is simple. Do we want to fund the VA? Do we want to fund the military? Do we want to fund this country's government?

Or do we want to go back to last year's funding? Which, by the way, would be totally inadequate, but it is what some on the other side of the aisle are advocating right now.

Look, guys, we are in a continuing resolution right now. It expires on December 3. If, in fact, we had a budget deal today, we couldn't get an omnibus out for nearly 5 weeks.

So what I am saying is this: no more finger pointing, no more changing the rules of the game, no more foot dragging. Do what the gang of 10 did on the bipartisan infrastructure package. Let's go into negotiations to get to yes. Let's all work together. Let's not play irresponsible political games with our military and with our veterans and with everybody else who lives in this country.

What are we here for? Are we here to advocate for this country? Or are we here to advocate for a political party?

I am telling you the appropriations bills should have been done last September. We should be sitting at the table today. I am ready to roll up my sleeves and help in any way that I possibly can to make sure these bills get through this body and to the President's desk so we can fund our veterans and fund the needs that they have, so we can fund our military and deal with the threats that are facing us around the world.

It is time, folks. It is time to quit talking, and it is time to start doing.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Iowa.

**Mr. GRASSLEY.** Mr. President, my fellow Senators: On November 4 of this year, I introduced an amendment to this year's national defense bill. This amendment focuses on the Office of Net Assessment. That office is within the Pentagon.

The Office of Net Assessment's purpose is to produce an annual net assessment, which is a long-term look at our military capabilities and those of our greatest adversaries.

In 2019, when I began to look at Stefan Halper's contracting work for the Office of Net Assessment, something didn't look right. So I asked the inspector general to look into it.

For those who are unaware, Halper was a central figure in the debunked Russia collusion investigation. And I don't have to explain the Russia collusion investigation; everybody in the U.S. Senate knows something about that and they know what it refers to.

Halper secretly, at that time, recorded Trump campaign officials during Crossfire Hurricane.

Halper also received over 1 million taxpayer dollars from the Office of Net Assessment for several research projects. But the question is: Were they really research projects?

But the inspector general found some problems with his contract:

The Office of Net Assessment didn't require Halper to submit evidence that he actually talked to the people he cited in his work, which included Russian intelligence officers.

Secondly, the Office of Net Assessment couldn't provide sufficient documentation that Halper conducted all of his work in accordance with the law.

Thirdly, the Office of Net Assessment didn't maintain sufficient documents to comply with all of the Federal contracting requirements and OMB's guidelines.

The inspector general also found that these problems weren't unique to Halper's contract. This is the inspector general speaking up on this. I am reporting what he said. So these findings indicate systemic issues within the Office of Net Assessment in the Pentagon.

Moreover, this office has spent taxpayers' money on research projects unconnected to net assessments. In other words, they are spending money and wasting money that doesn't deal very closely with our national defense.

Two cases in point: The office funded a report titled "On the Nature of Americans as a Warlike People: Workshop Report."

Now, that report highlighted the "level of American belligerency which is the result of the persistence of Scotch-Irish culture in America."

That ought to get a lot of your attention. What does that have to do with the assessment of the capability of us to deliver on the constitutional responsibility of the Federal Government to the defense of the American people? Or what does that have to do with our assessing the capability of our enemies?

Yet another report focused on Vladimir Putin's neurological development and potential Asperger's diagnosis.

Now, I have highlighted these reports for the Pentagon, and I have asked for records from the Office of Net Assessment relating to some of its other work as well. To date, they still haven't been able to provide all of the records that they ought to provide to the Congress of the United States, under our constitutional responsi-

bility, to see that money is faithfully spent according to congressional intent and that the laws are faithfully executed.

While the Office of Net Assessment was busy wasting taxpayers' money and not responding to congressional requests, China built its hypersonic missile program.

Are we on top of that program? It has got something to do with our enemy's capability.

As a result of all of these failures, then, like I told you, I introduced my amendment to the defense bill on November 4. The amendment would require the Government Accountability Office to determine how much taxpayer money this unit actually uses for net assessment—the reason they were set up.

Are they doing their job? Are they following the law? Are they spending the taxpayers' money responsibly?

I think I have shown, in some instances, where they have not.

The amendment would filter out taxpayer-funded research that has nothing to do with net assessment. In other words, the Office of Net Assessment ought to be doing net assessment, and that deals with the capability of the U.S. Government to do the No. 1 responsibility of the Federal Government: the national defense of the American people.

The second responsibility of this Agency is to determine the capability of our enemies to do damage to us. In other words, it is time that we find out how much money the Office of Net Assessment needs to actually do its job instead of acting like a slush fund for irrelevant or political research projects.

Of course, if this happens and the taxpayers' money is spent properly, this, in turn, will save the taxpayers, potentially, millions of dollars a year.

I encourage my colleagues to support the amendment.

I yield the floor.

I suggest the absence of a quorum.

**THE PRESIDING OFFICER.** The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

**Mr. CORNYN.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### THE ECONOMY

**Mr. CORNYN.** Mr. President, families back home in Texas are planning their Thanksgiving menus, but they are also bracing for steep grocery bills. Prices are up for just about every part of a typical Thanksgiving meal. The cost of a frozen turkey is the highest in history. Things like potatoes, butter, pumpkin pies, even salt, cost more than they did a year ago.

It is not just going to cost more to eat; it is going to cost more to cook. Appliance prices have skyrocketed over the past year, as have electricity bills, and family members will have to

pay a lot more just to visit their friends and relatives because gas prices are up 60 percent from last year.

As families are being pummeled by higher prices and inflation, our Democratic colleagues are planning to hand major savings to a select group of Americans, just not the ones you think and certainly not the ones who need the help.

Despite their cries of taxing the rich, the Democrats are plotting an absolutely massive handout to the wealthiest Americans. This windfall is not distributed through stimulus checks or lower tax rates. That would be far too obvious. Instead, our Democratic colleagues are relying on a range of gimmicky sunsets and expirations to dole out the millionaire tax break.

If they thought no one would notice, well, they would be wrong. For example, The Washington Post headline says it all. It reads: "The second-biggest program in the Democrats' spending plan gives billions to the rich."

That is not how our colleagues have tried to brand their legislation. They would portray themselves as modern-day Robin Hoods—stealing from the rich to give to the poor.

Strange in that it is really just the opposite. They talk about the wealthy paying their fair share and giving working families free programs, but the reality of the situation is far different from the picture they paint, and the wealthiest Americans stand to reap big benefits under this legislation.

For example, the Democrats have included a provision that will allow millionaires and billionaires in blue States to pay less in Federal taxes. As the headline notes, this handout comes with a big pricetag of \$285 billion in tax breaks for the wealthiest Americans. It is more expensive than the clean energy and climate provisions in their bill; more expensive than paid family leave; more expensive than the combined cost of the child tax credit and home-based services.

And there is no denying that the beneficiaries of this ultraexpensive provision are the wealthiest Americans. According to the Tax Policy Center, about 70 percent of the benefit goes to the top 5 percent of wage earners—70 percent goes to the top 5 percent. That is people making more than \$366,000 a year, roughly six times the median household income of Texans. We were not talking about saving a few dollars here and there. The top 1 percent would save an average of \$14,900 next year, and the bottom 40 percent of taxpayers wouldn't be given a dime's worth of a break in their taxes.

The rich in America who stand to gain the most from this change are those who live in blue States, like New York and California that have higher State and local taxes. They would, under this legislation, get to deduct up to \$80,000 in their State and local taxes from next year's Federal tax return, leaving everybody else to fill up the gap.

Working families in Texas should not have to subsidize the tax bill for Manhattan millionaires. If the wealthiest people in New York or California think their State and local taxes are too high, there is a pretty simple solution: Tell your elected officials to cut taxes or you can do like many people are doing these days, vote with your feet and move to places like Texas.

Over the last decade, Californians have flocked to my State by the hundreds of thousands. People do vote with their feet, and they clearly support what we are doing in Texas.

We have been happy to welcome folks from all around the country who are in search of lower taxes, affordable homes, and a better standard of living.

Blue State millionaires can't expect my constituents to subsidize their tax bills. They need to either pay their taxes or maybe they need to decide to move to someplace where they are not taxed at such a high rate.

Under this bill, two-thirds of those making more than \$1 million will receive a tax cut next year. Let me say that again. The vast majority of millionaires will, under the Democratic legislation, receive a tax break, and nearly 90 percent of those earning between \$500,000 and \$1 million will receive a tax cut. This is a sharp contrast from how middle-class working families are treated.

Less than a third of those earning between \$20 and \$100,000 a year will receive a significant tax cut. And the following year, 2023, those savings dramatically decrease.

Year over year, the tax provisions in this bill change dramatically. In fact, there is not a single year over the next decade in which each tax provision will be used at the same time.

Democrats aren't rewriting the Tax Code to make millionaires pay their fair share; they are gaming it to create the illusion of fairness.

Some programs begin immediately and end after 1 year. Some don't even take effect for a couple of years. These are plain budgetary gimmicks. After all, they can't afford to give billionaires a tax break and dole out increased social welfare programs. The fact of the matter is, the millionaire tax break in their legislation is the largest handout for wealthy Americans. But it is not the only one in the bill.

This legislation would allow people earning hundreds of thousands of dollars to receive up to \$12,500 from the taxpayers if they buy an electric vehicle. They also can receive up to \$900 to purchase an e-bike, which is obviously less green than a good old-fashioned regular bike.

The Democrats' reckless tax-and-spending bill also creates handouts for union bosses, trial lawyers, wealthy media corporations, and a host of powerful friends of the Democratic Party. All of these handouts may appease some of our colleagues' wealthiest supporters, but it will only make life harder for working families.

Families earning just over the median household income, which is just under \$62,000 in Texas, could see their childcare costs soar by as much as \$13,000.

And the climate policies in this bill are sure to drive energy prices even higher. Gasoline already costs 60 percent more today than it did a year ago. That is a combination of inflation and the policies of this administration which attack the very energy industry that we depend upon to provide affordable energy.

If the Democrats manage to get this grab bag of radical climate policies signed into law, prices at the pump will go even higher.

So this bill will not, as advertised, help America to build back better. It will ensure that we never reach the prepandemic recovery that was the envy of the world.

No public relations campaign can hide the truth about this bill. This is a reckless tax-and-spending spree that will benefit the wealthiest of Americans at the cost of working families.

The last thing we need to do is to line the pockets of wealthy Americans while driving up the costs of the middle class.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 3243

Mr. LEE. Mr. President, this is now the 17th time I have come to the Senate Chamber specifically to speak against President Biden's vaccine mandate.

I have pledged before, and I pledge again today, to continue this fight until we beat the mandate.

Now, thankfully, progress has been made on this front. The U.S. Court of Appeals for the Fifth Circuit last week halted enforcement of President Biden's general mandate. It did so directing their rulings specifically to the OSHA portion of the mandate. This is the one that applies to all workers everywhere and any place of employment with more than 100 workers.

I, along with millions of Americans, am grateful that the U.S. court system performed its role in protecting the separation of powers and otherwise protecting the limits on government written into our laws and our Constitution.

It is also encouraging to see the government Agency charged with enforcing the general mandate; that is, OSHA, has now halted the enforcement of the mandate and is complying with the order issued by the U.S. Court of Appeals for the Fifth Circuit.

This, however, does not end President Biden's vaccine mandates. That

mandate in particular remains the subject of ongoing litigation, and there are other requirements placed on other specific groups of workers outside of the OSHA mandate and, therefore, outside the scope of the order issued by the Fifth Circuit.

Now, I have spoken previously on the situation that members of our Armed Forces face and on things that people who work in the healthcare profession face—difficult things, challenging things, things that threaten their livelihoods and cause a lot of problems for workers.

I have offered various bills to help those groups of Americans keep their jobs and make sure that they have the right to make their own medical decisions.

I am fighting against the mandate. I am not fighting against the vaccines. I support the vaccines. I am vaccinated. I have encouraged others to be vaccinated. I see the development of these vaccines as something of a modern medical miracle, one that is protecting so many millions of Americans from the harms of COVID.

But this one-size-fits-all dictate from Washington certainly isn't the answer and, under our system of government, can't be. I have heard from hundreds of Utahns who are personally at risk of losing their jobs and their livelihoods due to this mandate. Many of these Utahns have religious or health concerns about the vaccine.

President Biden promised these mandates would include exemptions for those people in those categories specifically, but in reality they are being dismissed or placed on unpaid leave or pushed into retirement with reduced benefits.

These are good people, everyday people. Many are dedicated frontline workers. Far too many are just trying to make ends meet and feed their families. It shouldn't be too much to ask to allow them to continue doing that unencumbered by their own government in their efforts to do that.

These mandates will just push people out of work and make many of them not only unemployed but unemployable outcasts in their chosen professions, professions for which they have spent years studying and learning and receiving certifications just in order to work. What a tragedy.

This wouldn't just harm those affected directly by the mandates. It absolutely would harm those directly affected by them, but the harm extends much further than those directly affected. It would affect all of us, in fact.

The American economy is currently facing a labor shortage the likes of which we haven't seen in decades. Businesses across the country are struggling to find enough workers just to keep their doors open, let alone produce and serve at full efficiency. President Biden's mandate will add to our high unemployment and our low labor force participation rates, and it will put even more pressure on infla-

tion—inflation that is making it harder for Americans everywhere, especially the poor and middle-class Americans, people living paycheck to paycheck who find that every dollar they earn is buying less of everything, from gas to groceries, from housing to healthcare.

Federal Reserve Chairman Jay Powell recently warned that "hiring difficulties and other constraints could continue to limit how quickly supply can adjust, raising the possibility that inflation could turn out to be higher and more persistent than we expected."

The mandate is only worsening the problem.

Now, I believe the Biden administration recognizes the harms this mandate will cause for our workforce. It is evident in the administration's date of compliance extension to January 4 that this is the case.

Now, I have to ask an obvious question here—or one that I think should be obvious, should be intuitive. If the forced vaccination of our entire Federal workforce, including employees and contractors and subcontractors—if forcing the vaccination of every one of these workers—were truly an emergency so drastic that all workers, contractors, and subcontractors, even those working remotely in their own homes, must be vaccinated immediately, then why would they risk delaying compliance?

They can't have it both ways. If they want to say that this is an emergency; this is dire, so dire that we have to force every contractor, subcontractor, and Federal employee to get vaccinated immediately and we have to fire them if they don't—if that is truly so emergent—then why delay it to January 4? Why delay it at all?

Now, to be sure, it would be bad. And, to be sure, I am glad they have extended it. Perhaps, maybe, this means they are reconsidering this awful, horrible step, this horrible thing that they are inflicting on those who can least afford to absorb something like this. But it really does undercut the emergent nature of the situation, and it undercuts their underlying reasoning that this has to happen immediately, so immediately that we have to fire all of them if they won't submit to Presidential medical orthodoxy.

This mandate is even so drastic that it includes all workers and all contractors, including all those who work remotely, who don't even go into a workplace. And it also includes even those who have natural immunity from a previous case of COVID-19, something that some studies have indicated will provide 27 times the immunity of a vaccine.

Again, vaccines are great. I have been vaccinated. I have encouraged others to do the same. Vaccines are protecting hundreds of millions of Americans right now. But why not take into account their natural immunity, and why on earth would you fire someone who already has natural im-

munity or who works from home? That makes absolutely no sense.

This mandate simply goes far beyond what is reasonable. It begs all sorts of questions. Why are you doing this?

So, today, I am offering a bill to help another group—yet another group of people—a group consisting of people not protected by the Fifth Circuit's halting of the general vaccine mandate. Federal workers are still facing a vaccine requirement from the Biden administration. Almost 3 million workers in this country are employed by the Federal Government. Many of them have reached out to me and my office and are concerned about losing their jobs due to this mandate. I know I am not the only one. I know that every single Member of this body has received phone calls, letters, emails, and other pleas for help from people who don't want to lose their jobs.

This is a response to them. This is an effort to try to help them and part of my ongoing effort to reemphasize the fact that it doesn't have to be this way. My bill, the Protecting Our Federal Workforce from Forced COVID-19 Vaccination Act, would prohibit an executive Agency from requiring its employees to receive a COVID-19 vaccine. It is a simple solution to prevent more unemployment and to protect countless Americans from being forced out of the workforce.

This bill will help protect Americans' right to make their own medical decisions and will help protect our economy as it strains under multiple crises and as the holiday season comes around.

I encourage and sincerely implore all of my colleagues to support it.

To that end, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3243, which is at the desk. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Mr. KING). Is there objection?

Mr. PETERS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, in an ideal world we would not need a vaccine mandate. In the ideal world the vast majority of people who can get vaccinated would heed the advice of scientists and of public health officials and take the very simple step to get vaccinated so that we can get this pandemic under control.

But, unfortunately, our reality is very different. We have been working to contain this virus and manage this unprecedented health crisis for nearly 2 years now. It has cost us more than 765,000 American lives, and millions of other Americans have been infected and may face lifelong health challenges as a result.



It doesn't have to be this way. We have safe, effective, and lifesaving vaccines that are now, thankfully, available to a significant number of Americans.

Vaccines are our best tool to finally get this pandemic under control, and requiring the folks who are able to get vaccinated is just simply common sense. We are all tired of this pandemic, and we all want it to end. We are tired of wearing masks because some folks refuse to get vaccinated. We are tired of wondering if we could unknowingly be exposing our vulnerable family members who are taking every precaution. We are tired of waiting for enough people to get vaccinated so that our schools and our businesses and our daily lives can just get back to normal.

And we are tired of emergency rooms and healthcare workers getting overrun by COVID cases from people who are not vaccinated, when we already have the best tool to prevent the spread in the first place. Our frontline healthcare workers are being crushed by the consistently high number of cases, and public health experts are predicting that yet another spike will likely hit this winter unless people get vaccinated.

In my home State of Michigan, the number of unvaccinated patients hospitalized with COVID is once again climbing. A headline from today noted that Michigan has just reached a new pandemic record with the highest COVID case average in the Nation and that deaths across the State continue to rise. Emergency rooms are packed, and in some areas patients are forced to wait for hours or for days to be admitted.

There is one key factor that is driving this horrific scenario: 88 percent of the cases, 88 percent of the hospitalizations, and 88 percent of the tragic deaths were all people who were unvaccinated.

We can put an end to this nightmare by getting more Americans vaccinated.

You know, we require so many preventive measures to keep ourselves and others safe. We wear seatbelts in our cars. We require hardhats on construction sites. We get vaccinated to protect ourselves against a whole number of health risks. And we do it because we know it saves lives and it keeps people healthy.

The answer is simple: Get vaccinated.

Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I appreciate the thoughtful remarks and the insights of my friend and distinguished colleague the Senator from Michigan. He is someone with whom I enjoy working, and one of the many things I appreciate about him is that he puts a lot of thought into everything he does. And I have always known him to be considerate, and I appreciate that about him.

I also am in agreement with the fact that in an ideal world people would be getting vaccinated more than they are. And in that world, if more people got vaccinated, I do think there would be fewer hospitalizations, fewer deaths, and fewer COVID infections. And there are a lot of data sources supporting that.

I also agree that we are all tired as a country, as individuals, as families, regardless of what State we live in. We are tired of the pandemic, of the ERs being overcrowded, and things like that. These are all things we want to do away with. And I also agree with my colleague from Michigan that those things really would be alleviated if more people got vaccinated.

In my mind, the question that we are discussing here isn't about a disagreement over the objectives that we have got; it is more about how to get there, who has authority to take what action and what consequences might attach to government actions.

Notwithstanding the fact that my friend from Michigan and I both agree that the American people, to the extent they have been vaccinated, are benefiting as a whole from being vaccinated, it doesn't mean that everyone is going to agree.

It doesn't get rid of disagreements that exist, in some cases, because of our religious belief or other moral conviction—one that I don't happen to share and probably most of us in this body don't happen to share, but that some people have.

There are some people who, for religious or moral reasons, believe that they shouldn't be vaccinated. There are others who have a specific medical condition that has involved receiving medical advice from board-certified medical doctors that someone shouldn't get this particular vaccine.

I am not a doctor. I am not a scientist. I don't purport to understand these things. But I do know what I hear from Utahns, which is that a number of them have cited medical conditions of one sort or another; previous personal or family medical history that has signaled particular sensitivity to vaccines in general; or, in some cases, when people have autoimmune conditions of one sort or another or a combination of them.

In some cases, doctors are concerned about inflaming that condition, inflaming the immune system of particular patients, and on that basis advise their patients with particular, somewhat unusual medical histories not to be vaccinated.

There are others, still, who might not fit into either of these categories, but might consist of people who have already had the coronavirus and have recovered from it at some point over the last 18 months.

There are studies indicating that natural immunity is real, and that have suggested that natural immunity can convey comparable immunity to that available under the vaccine. Some

of the studies have indicated that that immunity could not only be as strong as, but, in some cases, 27 times stronger than that conferred by the vaccine.

I had both. I had the coronavirus over a year ago and I still chose to be vaccinated in addition to that. My own experience with the coronavirus wasn't all that pleasant. It wasn't an experience that I care to relive. In consultation with my doctor, I concluded that it was a good thing for me to get it. I was willing to get it, especially upon learning that it might help protect me even further if I also had the vaccine in addition to having natural immunity.

But, you know, not everyone is going to reach the same conclusions. And one of the struggles that we have had as a country involves difficult questions that people face when they disagree—when they have a genuine disagreement. We have to be careful about how we use government power because the government power necessarily involves the use of force.

Most of the time, mercifully, it doesn't have to involve the direct actual use of force. It can involve the implicit or implied or future or prospective use of force. In other words, you comply with this or that law or regulation or government dictate of one sort or another, then you are fine. If you don't, you know that at some point there will be consequences.

A lot of people comply voluntarily after they received—I don't know—a notice from a law enforcement officer or agent. Or maybe they wait until someone has sued them, and then they get a court order. But they know that at some point, if they refuse to comply, the government can enforce what it is requiring.

So whenever we involve government in these kinds of decisions, we have to be able to defend the actual or threatened or potential use of force in order to justify what we are doing. And we have to ask: Is this moral? Is this an appropriate case to use violence?

Because if it is not an appropriate case to use violence for something, there is kind of a problem with putting government into the equation, because ultimately you have to rely on government to be willing to threaten violence and carry out violence; meaning to show up at somebody's house with a summons, an arrest warrant, or something like that and take them away.

All that involves force. And again, mercifully, most of the time it doesn't have to come to that. Most of the time, Americans, you know, comply with the law just because it is a good thing to comply with the law.

But we really should ask the question whether a government action is morally justified in any circumstance to such a degree that the use of violence would be warranted if it came to that.

I struggle to accept the proposition that it is OK to use violence to force someone to get a COVID-19 vaccine. As

much as I love the fact that the vaccines are available and are a real blessing—something of a modern medical miracle—I can't get comfortable with the idea of using violence to force people, who have another opinion, to comply.

It seems morally problematic and morally unjustified—for that matter, indefensible—for the government to tell someone, “If you don't get this shot, you will get fired;” and, in fact, to tell their employer, “You must fire this person if this person doesn't get the vaccine, even if this person has a good-faith religious belief against it, even if this person has natural immunity or has some particular medical condition causing his or her board-certified medical doctor to advise against receiving the jab.”

That isn't moral to say to that person, “You didn't comply with a Presidential medical edict, so you are fired;” and to tell the employer, “If you don't fire that person, you are going to be the subject of punitive fines that will cripple any business.”

And I literally mean any business. I don't think there is a business in America subject to these mandates that could survive the crippling, deliberately cruel fines that are levied under them—not a one.

This isn't right. It is not moral. Deep down we know it.

In fact, according to a recent poll conducted and reported by Axios—hardly a rightwing publication—it involved a question, and the poll question was something along the lines of: Should a person who declines to be vaccinated be fired for not being vaccinated?

And 14 percent agreed that that is OK—14 percent. Only 14 out of 100 Americans said: Yeah, that makes sense, that is OK; fire this person, fire him, fire her. They don't matter.

It is compounded when you look at the tragedies imposed by the individual circumstances. The soldier; the sailor; the airman; the marine; the TSA worker; the Federal contractor; the employee of a subcontractor of a company with one Federal contract who does mostly non-Federal work; the mom, the dad working in a factory, in a school, in a floral shop—if any of those either have a Federal contract or have more than 99 employees, all of those people are having their livelihoods threatened.

It is not just a job. It is, in many cases—as is the case in the healthcare industry, for example—people who have spent a lifetime acquiring the skills and professional certifications, the degrees, the training, the education necessary in order to participate in that profession.

Many of these people, by the way, throughout the darkest hours of the pandemic, were the people working hardest to protect Americans, to make sure they had access to the healthcare they needed.

Those same people are now being told: You are not good enough. You

don't deserve a job. You are going to be fired, even if you have a medical condition that precludes it.

Even if this could be morally justified, which it can't, one must ask the question asked by the U.S. Court of Appeals for the Fifth Circuit: Does Congress, does the Federal Government, have the power to order such a widespread vaccine mandate?

It doesn't.

The OSHA mandate, for example, constitutionally, it would have to be predicated on Congress's authority under the Commerce Clause, which gives us the power to regulate trade or commerce between the States, with foreign nations, and with the Indian Tribes.

Even as that provision of the Constitution has been interpreted really broadly since 1937—even under that broad interpretation, one that has seen only three acts of Congress over the last 84 years being deemed outside of Congress's authority under the Commerce Clause—when you have to almost try hard to pass legislation predicated on Commerce Clause authority that doesn't fall within it, but even under that, this doesn't pass the test.

It is not, by its nature, economic activity. In fact, it is not activity. You are punishing nonactivity.

Even under these high watermark precedents from the New Deal era establishing a very deferential standard of review for exercises of Commerce Clause authority by Congress, this doesn't even pass that. And even if it did, which it doesn't, you would still have to identify the case of the OSHA mandate a definable delegation of authority from Commerce using some intelligible principle authorizing this kind of action.

You will not find that. It is not there. I have reviewed upside down, sideways, backwards, forwards the statutory text at issue with regard to OSHA. It does not provide this authority. The moral authority is lacking. The constitutional authority is lacking. There is no power delegated by the Congress to OSHA to do this. It is not defensible.

I am glad that delays on some of these mandates have been imposed. I am glad that OSHA is at least agreeing to comply with the order of the U.S. Court of Appeals for the Fifth Circuit; and, at least for the duration of that litigation, enforcement will be halted.

I hope and I fully expect that the ultimate resolution of that case will be consistent with what the Fifth Circuit ruled last week. In fact, I have little doubt that it will be.

This is, in some ways, the most brazen act of Presidential overreach that we have seen in a single directive, since President Harry Truman, on April 8, 1952, issued an order seizing every steel mill in the United States for steel production related to the Korean war effort. Mercifully, the U.S. Supreme Court was able to intervene and, within a couple of months, invalidated that action.

This one is even clearer than that; but, more importantly, this one is more emotionally compelling than that.

That unconstitutional act of Presidential overreach affected a handful of steel companies. It certainly affected thousands upon thousands of workers. It didn't have the ability to affect directly or indirectly every single man, woman, and child in America. This one does.

That is one of the reasons why these moral and statutory and constitutional questions matter so much. That is why I have been coming to the floor every day, and why I will continue to do so indefinitely as long as it takes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VAN HOLLEN). Without objection, it is so ordered.

The Senator from Washington is recognized.

Mrs. MURRAY. I ask unanimous consent to speak as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIVE AMERICAN HERITAGE MONTH

Mrs. MURRAY. Mr. President, I rise today in recognition of Native American Heritage Month. As a Senator from Washington State, I am proud to represent 29 federally recognized Tribes.

In Washington, we understand the importance of the sovereignty of Tribal Governments. And anyone who knows me knows, I believe a commitment is more than just words. It is about action.

At the start of this year, when we passed the American Rescue Plan to get America up and running again, it was the single largest Federal investment in Tribes ever—more than \$32 billion for Tribal Nations.

Since then, I have spoken to many Tribal leaders in Washington State about what this has meant for our Tribal communities.

A housing grant to the Muckleshoot Indian Tribe helped provide homes for an additional 25 families.

The Lummi Nation created new opportunities for education and job retraining.

The American Rescue Plan helped the Tulalip keep Tulalip-owned businesses, who have been struggling since the pandemic, afloat.

Action on our commitment has helped Tribal members in my home State stay housed, get back to work, keep their small businesses open, and continues to make a difference in a thousand different ways.

Now, these outcomes weren't inevitable. They happened because of intentional and specific policy decisions this

Congress made to support Tribal Nations.

So if we are serious about showing a real commitment to Tribal communities during Native American Heritage Month, then we need to continue to prioritize Tribal communities in all of our policymaking.

Infrastructure in Indian Country—everything from roads to bridges, to broadband—has been underfunded for too long. The bipartisan infrastructure bill, which is now signed into law, will make \$13 billion in direct investments in Indian Country, with tens of billions more in Federal grants and future funding opportunities. This will mean clean drinking water, access to high-speed internet, transit to connect communities, and more.

Now we have another opportunity to show our commitment to Tribal communities with the Build Back Better Act. Just like everywhere else in this country, childcare is a crisis for Native communities. Right now, about one out of every four Native Americans in this country is experiencing poverty. That is higher than any other group. So when 1 in 10 Native American parents have to quit or change their job because they can't find or afford childcare, we are making a tough situation worse.

My childcare proposal in Build Back Better is going to cut the cost of childcare by thousands for Tribal families—with many paying nothing at all for childcare—and it is going to help get more slots open everywhere we need them, so parents won't be stuck on waiting lists for months on end.

It is our government's duty to make investments like this one in Indian Country because if we really believe in Tribal sovereignty and acknowledging the role our government has played in centuries of persecution Native peoples in this country have faced, we must also take action to create real opportunity for people; action on quality, affordable childcare, housing, home care, and more.

Build Back Better is going to make a big difference for Native communities, but there is more we need to do to address the specific needs of Native communities.

We have to build on President Biden's Executive action to address the epidemic of missing or murdered indigenous peoples, especially to protect Native women and girls. We must reauthorize the Violence Against Women Act and strengthen that legislation to empower Tribal Nations to hold perpetrators of crimes committed on Tribal lands accountable. And living up to our commitments is also about representation and a seat at the table.

I was overjoyed to strongly support the confirmation of Deb Haaland, who is already blazing a trail as a historic Secretary of the Interior and a powerful voice for Tribal interests.

I was proud to recommend Lauren King, a citizen of the Muscogee Nation and a Tribal law expert to serve a life-

time appointment as a Federal court judge in Washington State—the first Native American Federal judge in my State's history and just the sixth ever in American history. And I am glad to see more than 50 Native Americans serving in key political positions throughout the Biden administration. I look forward to seeing many more.

So, on this Native American Heritage Month, let's resolve to build on the important work this Congress has done so far to support our Native communities.

As a voice for Washington State Tribes in the U.S. Senate, I will always advocate for Indian Country and fight to ensure the Federal Government lives up to its sacred commitment to indigenous people across the country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CHILD TAX CREDIT

Mr. BROWN. Mr. President, this week, for the fifth month in a row—and the Presiding Officer has been standing with us on this important issue—parents in Ohio and Maryland and all over the country, once again, see \$250 or \$300 or, if they have two children, \$600 in tax cuts directly into their bank accounts.

Think about this: 90 percent of Ohio children, this year, will have at least a \$3,000 tax cut, not a deduction. This is real money in people's pockets. This is 90 percent of Ohio families who will get at least a \$3,000 tax cut, and that is if they have one child. If they have more, they will get a bigger tax cut.

You know, we know how hard parents work at their jobs and at raising their kids. Any parent knows how much work it is to take care of children, especially young children. It has gotten only harder and harder over the last year and a half.

I hear some of my colleagues, especially on that side of the aisle, say—you know, they forget what hard work it is to raise children. And I watched what we were able to do on this with the chairman of the Finance Committee, who just walked in, Senator WYDEN, and his leadership on this largest tax cut for working families in my lifetime.

So often, we know hard work doesn't pay off. Think about the past few decades: The stock market went up; productivity went up; executive compensation has been stratospheric; yet, essentially, wages for most workers in this country have been flat.

And you know how expensive it is to raise kids. Healthcare, school lunches, diapers, clothes, school supplies, braces, sports' fees, camp fees—the list never seems to end. And one of the biggest expenses for so many families is

childcare. So parents feel like they are stuck. The more they work, the more expensive childcare gets.

One of the reasons that people haven't returned to the workplace as much as some academicians or some professors or somebody predicted—it is not because we were providing unemployment compensation. That just kept them alive. It is because they can't find affordable, accessible, safe childcare. So that is why parents feel like they are stuck. It is why we passed the child tax credit—as I said, the largest tax cut for working families ever. It is about finally, finally making hard work pay off so you can keep up with the cost of raising a family.

One of the joys of this job—and I know that the Senator from Oregon and the Senator from Maryland share this because they do things like this—is we put on our website: What does the monthly child tax credit mean to you?

We started this in July. We voted on it, on this floor, on March 6. Five days later, President Biden signed the law. We all went to talk to Secretary Yellen about getting these checks out quickly. On July 15, 4 months after we voted for it—not even 4. Help me with my math. Three months after we voted for it, these checks started showing up.

In my State, it was 2.1 million checks that went out. There were 2.1 million individuals who got this child tax credit—you know, a million-and-some families because, obviously, some have more than one child in a family in many cases. Then they got a check on August 15; September 15; in October; and just this week, on November 15.

We know it cut the rate of child poverty by 40 percent. We also know that it helped families with school expenses or with, maybe, putting a little bit of money aside for Bowie State or Stark State, a community college in Ohio.

Maybe it was just a way that families—I mean, we know how there are so many families who are really anxious at the end of the month. Maybe we don't talk to enough families like this around here, but for families who are anxious at the end of the month, getting this \$200 or \$300 or \$600 check in the middle of the month relieves the anxiety so many families have just to pay the rent because we know so many families, in that last week of the month, cut back on food a little bit, cut back on trying to figure out a way to get through the month so they can pay their rent at the beginning of the next month.

So, on this website, when we ask people what this means to you, we just get the most wonderful stories.

Lisa said the tax cuts help her afford “diapers and school supplies . . . and [now] we [can] put a little into starting a 529 college fund.” It is so exciting. Now we can finally “save for education.”

Lin from Columbus: “It kicked in right at a time when kid birthdays were happening for us, plus back to

school shopping, and several unexpected vehicle repairs were needed as well—it's made a very helpful impact."

The Presiding Officer, Senator VAN HOLLEN, sits on the Banking and Housing Committee with me. He knows that, before the pandemic, 25 percent of renters in this country paid more than half of their income in rent, and if one thing goes wrong—your car breaks down; you get sick; your child gets sick; you miss a few days of work—you can be evicted. This will stop that from happening in many cases.

Jeff from Cincinnati said it helps him afford "car insurance for a 17-year-old," a 17-year-old who has a part-time job after school.

The story we hear over and over is how expensive childcare is, how parents use this money to afford childcare so they can go back to work or, maybe, work more hours than they are working.

CeCe said her tax cut helps her pay for daycare. "Daycare is the same amount as my mortgage payment for 4 days a week! So this is so, so helpful," she said.

Sarah said: "It has been critical as I started my unpaid maternity leave at the end of July."

I mean, we want people to be able to give birth and then stay with their child, their newborn, for a period of time. Many, many, many people in Baltimore, in Cleveland, in Portland don't have any kind of leave—and how important it is that they can, maybe, stay a little longer with a newborn child and bond with her or him.

Courtney, from Athens, near the Ohio River, said the CTC is "slightly more than half the cost of part time daycare tuition per month—much appreciated help getting kiddo back into childcare and keeping [my husband and me] in the workforce."

These tax cuts mean more parents can afford to work and can afford to keep up with the extra cost of raising kids.

When these tax cuts are fundamentally stripped down from everything else, it is about the dignity of work. All work has dignity, whether you punch a clock or swipe a badge; whether you work for tips; whether you are on salary; whether you are raising children or caring for an aging parent. Raising children is work. We never should forget that: raising children is work.

It is a hell of a lot more work than moving money from one overseas bank account to another, as this body falls all over itself over the years giving tax cuts to rich people.

It didn't stop Senator MCCONNELL from rewarding the wealthiest CEOs and hedge fund managers and Swiss bank account holders. We remember what happened. When they did their tax cut 4 years ago, everybody in our—I mean, look at the difference. Four years ago, they passed the tax cut. You could see the lobbyists lined up in the hall outside Senator MCCONNELL's of-

fice. Four years ago, we passed the tax cut. Almost all Republicans voted yes; almost all Democrats voted no. Seventy percent of that tax cut went to the richest 1 percent.

Earlier this year, we passed the largest tax cut for working families everywhere. Everybody on this side voted yes; everybody on that side voted no. I mean, whose side are you on? Apparently, we know that. Senator MCCONNELL and his crowd—they are always for the billionaires, they are always for giving more tax cuts, while Senator WYDEN and the Finance Committee are fighting for middle-class tax cuts.

They then promised—and we all heard this—they promised that these big tax cuts for billionaires would trickle down, and they would hire more people, and they would pay higher wages, and the economy would grow. Well, it didn't exactly work that way. They kept so much of it for themselves. They spent that money on stock buybacks, and we know what happened then.

So the question is, Do you want tax cuts for billionaires and corporations or do you want tax cuts for working families? We want tax cuts for working families, and so do Americans from all over the country overwhelmingly from all kinds of backgrounds, from Chillicothe to Xenia, to Springfield, to Portsmouth, to Ravenna—all over the country.

Every single month now, we are showing parents and workers we are on your side. We will not stop fighting to make sure parents' hard work pays off for years to come.

The child tax credit—we will make it permanent. It may not be this year, but we will make it permanent. As Senator WYDEN has said, it will become a lot like Social Security. It will be transformational. Americans will love it the way Americans have gotten used to and depend on and love Social Security. It is part of who we are as a nation.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oregon.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. WYDEN. Mr. President, in a few moments, I intend to put forward a request for the Senate to take up and approve the nomination of a very special Oregonian; that is, my friend Chuck Sams, President Biden's choice to lead the extraordinarily important National Park Service. I am just going to take a few minutes to talk about Chuck Sams and make sure the Senate understands why this is the right person for this very important job.

First of all, I would say to the Senate, we have heard the national parks described as America's best idea. That is because they form a network of treasures that no other country can match. But the fact is, the National Park Service is not only about the views and the photo-ops; the Director of the National Park Service is in

charge of an organization of over 22,000 employees and almost a quarter-million volunteers. The Park Service generates tens of billions of dollars of economic activity. The people of my State, Oregonians from one corner of the State to the other, particularly understand how critical outdoor treasures are for rural economies and rural jobs.

There are park units in every State in the Nation—urban parks, rural parks, historic American buildings, ancient archeological sites. And the personnel at the Park Service—what incredible people. They do it all, from education to preservation to maintenance, and they are also now doing more resilience against wildfires.

That is why it is so important we have strong leadership at the National Park Service, because when you have employees taking on such diversified challenges and you have the Park Service woven into the fabric of every State and so many communities, you need somebody at the top, the leader, to be capable and ready to take on these enormous challenges. Chuck Sams is that person, there is no question about it.

I want the Senate to know that I have known Chuck Sams for years, and I have personally seen in action his dedication to communities and to the outdoors. He has been a longtime Umatilla Tribal leader and a key member of the Northwest Power and Conservation Council, working with officials from across our region. He is also a veteran of the U.S. Navy. I know Chuck Sams to be a role model in the stewardship of America's lands, our waters, our wildlife, and our history.

The Congress and parkgoers are going to be able to count on him in the months and years ahead, after he is confirmed, because we know the Park Service faces some very big challenges. There is, for example, a multibillion-dollar maintenance backlog. The parks are often very crowded. They are confronting the effects of the climate crisis, whether it is wildfire, floods, or droughts. The list goes on and on. There has been for too long—too long—a workforce culture fraught with gender discrimination and harassment.

For almost 5 years, the Park Service has been without a Senate-confirmed Director. The reason why I am here is, I would say to the Presiding Officer and to my colleagues, I am here to make sure that the Senate doesn't wait another single day after 5 years to confirm a capable leader, Chuck Sams, as the Director to address these challenges I have described. He is the right nominee at the right time. I want Senators to know I base this not on reading a bunch of resumes or bios about Chuck Sams. I have seen it myself. I have seen Chuck at work in our State. He is committed. I support him 110 percent.

Therefore, Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 508,

Charles F. Sams III, of Oregon, to be Director of the National Park Service; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order with respect to this nomination; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Alaska.

Mr. SULLIVAN. Mr. President, reserving the right to object, I want to commend my colleague from Oregon and his comments. As a matter of fact, I don't disagree with pretty much anything he said.

I had my first good meeting with Mr. Sams this morning, and I would agree, I think he is qualified. I am particularly impressed with his background as a Native American, as a veteran.

One thing I like to talk a lot about is how our Alaskan Native American populations serve at higher rates in the military than any other ethnic group in the country—special patriotism. Mr. Sams certainly carries that tradition on quite well.

And I have already talked to Senator WYDEN. I intend to work with him and Mr. Sams just on a few more issues, a few more discussions. Again, we had a very good conversation this morning.

This is nothing about his qualifications, but I wanted to make sure the administration is aware of some issues, at very high levels, as it relates to this position, this job. And, again, I agree with my colleague from Oregon; this is an extraordinarily important Federal Agency. As a matter of fact, it is so important for my State that I want to explain a little bit to my colleagues, many of whom don't really know what the National Park Service does. But to my State, it is enormously important; it is powerful; and it can touch on people's lives in huge ways.

Let me just give you a little bit of the numbers. The Federal Government manages roughly 66 percent of the lands in Alaska. Of that, the Park Service controls 55 million acres. Two-thirds of all National Park Service land—two-thirds of the land that Mr. Sams will be in charge of is in my State. A lot of people don't recognize that. A lot of people don't understand that. Alaskans understand that—two-thirds.

So he is one of the big, important landlords of the great State of Alaska. And, as you can imagine, this Agency has outsized influence in Alaska beyond what these numbers represent—for hunting, for fishing, for transportation, for culture, and for people's livelihoods.

And this has been an Agency, to be quite frank, that has been abusing its power in Alaska for decades—Democrat administrations and Republican administrations.

In 1980, this body passed the Alaska National Interest Lands Conservation

Act—what we call in Alaska ANILCA. The Congress took 100 million acres of Alaska lands. We weren't supportive, by the way, Alaska—100 million acres. That is bigger than almost any State represented in the U.S. Senate, bigger than two Minnesotas.

And a huge part of ANILCA laid out how the National Park Service would interact with Alaskans. For decades, Alaskans were saying that the way in which the National Park Service was treating Alaskans—by the way, Alaska Natives in particular—was not according to the law, was not according to ANILCA.

And it wasn't just Alaskans saying this. In the last 4 years, there have been two U.S. Supreme Court decisions—they are referred to as the “Sturgeon” decisions—where an Alaskan who wanted to go hunting sued the National Park Service, and it went all the way to the Supreme Court. And the U.S. Supreme Court twice in the last 4 years, 9 to 0—9 to 0—agreed with Alaskans that the National Park Service was not following the law as it related to ANILCA.

As Justice Kagan, who wrote one of the opinions, said, “Alaska is often the exception, not the rule” to issues relating to Federal lands and access.

Now, as you can imagine, the National Park Service did not like getting slammed by the U.S. Supreme Court twice 9–0, but we liked it. It was a vindication of what Alaskans, for decades, have been saying about the abuse of power of the National Park Service.

So I want to work with Senator WYDEN and Mr. Sams on further conversations, soon—we are not trying to block this; I know the National Park Service needs leadership, and I think he would be a good leader—but to look at making sure the implementation of these two U.S. Supreme Court decisions, 9 to 0, are followed through by the entire bureaucracy. It is not much to ask.

These are topics I raised with Mr. Sams today. He seemed to be in agreement with me. But these issues are enormously important to the people I represent.

And I am going to mention one final thing, and it is not really in Mr. Sams' area of expertise, but I mentioned this to him as well.

All Americans have been experiencing economic, pandemic-related pain over the last 20 months. My State, I think, has been hit as hard as any other State, particularly on the economic side. And I want to just raise this topic right now because I am going to come down on the Senate floor and talk about it a lot more here. But it relates to some of these issues.

This administration, the Biden administration, in the last 10 months, has issued 19 Executive orders or Executive actions solely focused on my State—19. There is no other State in the country—not Maryland, not Oregon, no other State in the country—that is get-

ting this kind of attention from the new administration, and it is attention that we don't want because almost every one of these Executive orders and Executive actions is hurting working families, is hurting our economy, is hurting access to our lands at a time when we are already hurting.

I just want to ask my colleagues, respectfully, especially on the other side of the aisle, could you imagine a Republican administration coming in and saying, “We are going to issue 19 Executive orders and actions targeting Maryland or Delaware or Oregon or Massachusetts”? Senators would be on the floor, rightfully, sticking up for their State and their fellow citizens.

This is a challenging time right now. Working families are hurting with inflation, high energy costs, and we have an administration in the White House that thinks it is fine to target the great State of Alaska. Well, it is not fine. It is not fine. It is a war on working families in my State, and I would hope all of my colleagues would recognize that this isn't appropriate. This isn't appropriate.

And it is not just these actions. The White House has made it known that it has gone to financial institutions throughout the country—banks, insurance companies—saying: Don't invest in American energy projects in the Arctic—also known as Alaska.

So I am not going to hold this against Mr. Sams. My colleague from Oregon I have a lot of respect for. But, literally, every major project that is resource development, employs people, helps working families—by the way, there are some that aren't economic. There is a law that we passed in the U.S. Senate 3 years ago to help Alaska Native Vietnam veterans. It was my bill. I care deeply about these great warriors who were really screwed by their country when they came home from Vietnam.

The administration has delayed the implementation of that bill for 2 years. There will be Vietnam veterans—Alaska Native Vietnam vets—in my State who will die before they get the benefit because they just thought they could do another hit on Alaska.

So I ask my colleagues to just put yourself in my State's position. None of you would accept that. And I am going to start talking about it, and I am going to start raising these issues. And I hope I can get some of my colleagues—Republicans and Democrats—to maybe reach out to the White House, going: Hey, this really isn't appropriate. Alaska has had a rough time. Everybody has had a rough time in America, but really? Nineteen Executive orders and actions?

These are just the Alaska-specific ones. There are broader Federal ones that impact us too. But I want to work with Senator WYDEN. I want to work with Mr. Sams, particularly on that issue I raised earlier. I think he is

going to be very well qualified. I admire his desire to serve, his background, and especially his Navy background.

And I intend to lift my hold very soon, but right now I am objecting. But my goal would be to have this nominee, who is qualified, after further discussions with me and Senator WYDEN, moved to be confirmed by the U.S. Senate. But, for now, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I just want to tell the Senate where we are now and what is ahead.

I have asked unanimous consent to confirm an Oregonian whom I have watched in action, Chuck Sams, to head the National Park Service, which has gone leaderless for 5 full years.

Now, my colleague has said, to his credit, that Chuck Sams is very well qualified, that he is a good man, that he had good discussions with him. And I would just say to the Senate and my colleague—my colleague and I have worked together often here in the Senate. I remember, as chairman of the Finance Committee, we had some issues on the budget. And we got together, and within 20 minutes we had it worked out.

So I would just say to my colleague, I am ready from this minute on to get together with you, to get together with Mr. Sams. We are going to be here, it sounds like, at least today, and then we will have to see.

But I just hope we can work this out because I listened to the Senator very carefully. And I have been to Alaska. I went with your colleague Senator MURKOWSKI when I was chairman of the Energy Committee. And I heard my colleague's concerns.

Well, to get those kind of concerns addressed—many of them—you have got to have a Director; you have got to have somebody you can hold accountable, somebody you can get on the phone and you can talk to about issues. Chuck Sams is exactly that kind of person.

So I want my colleague to know we are going to be here the rest of today and, it sounds like, some of tomorrow, but we will have to see. I hope that we can get this worked out, and I want to pledge to my colleague that I will, myself, be willing to work with him on issues he has with the State, just the way we did on those tax concerns with respect to the budget. And let's see if we can get this done before we leave this week because the longer we wait—I mean, just think of the Park Service here over the holiday. There are going to be a lot of people—because the Park Service is part of the treasures of America—who are going to want to enjoy those facilities.

So this has real-world consequences. I look forward to working with my colleague, and I hope—I hope—we can get this done before we leave, and I pledge to my colleague that I will work with

him to respond to his concerns not just about this nominee in the context of this nominee but in the context of the concerns he has for his State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I want to thank my colleague from Oregon, and I will commit to working with him to try and get this done before we head out to recess.

We know the treasures of Alaska. As I mentioned, two-thirds of all the Park Service in the country is in my State, which is why I want to make sure I am having followup conversations—I had a good one already with Mr. Sams—to get commitments on a few additional issues that matter deeply not just to the Park Service and for America but, really, to my State. But you have my commitment to work with you and Mr. Sams on a few more of these issues.

And, if I may, for all my colleagues, right—and I am glad to hear Senator WYDEN mention this—this shouldn't be happening with one State. There is a Biden White House war on the State of Alaska. No one is getting treatment like this, and it shouldn't be this way. If a Republican President were in attacking Maryland or Oregon like that, I would call the White House going: Hey, lay off, guys. Lay off.

So I sure hope some of my colleagues—Republican and Democrats—can send the message to Joe Biden, the President, that you know, the war on working families in Alaska is not really a good idea. They are Americans, too, and they have got a lot of resources to produce for our great Nation, which we need right now.

So with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

#### CORONAVIRUS

Mr. LANKFORD. Mr. President, on September 9, President Biden told the American people that he was losing patience with them and they needed to get vaccinated right now. He laid down a series of Executive orders on Federal employees, on Federal contractors, on companies that had—individuals that had 100 employees or more, on individuals that worked in any healthcare-related, anything that dealt with Medicare or Medicaid. It reached out to millions of people.

He set a date that was within 3 months, knowing full well it would take months to actually write the rule and it would create chaos across the country as everyone tried to figure out how to do this mandate.

I fully believe that was the purpose of setting a close deadline; it was because it would have that much chaos in the country dealing with the vaccine mandates. Well, mission accomplished. It has created chaos across our economy and across lots of families.

What is the situation right now in America dealing with COVID?

We are on the backside of our second peak. We have seen hundreds of thou-

sands of people lose their lives to COVID. We have seen hospitals fill, get back to order; fill again, get back to order.

But in the meantime, three vaccines have been developed, multiple different treatments have been developed, a multitude of tests have been developed, which has been the primary issue that we have every year with the flu.

We don't panic every year on the flu because we have testing. We have treatment. We have vaccines. We now have, for COVID, testing, treatments, and vaccines. It becomes much more manageable.

In the meantime, right at 80 percent of all Americans who are 12 years old or over have already had at least one dose of one of the vaccines.

Let me run that past you again: 80 percent of Americans have had at least one dose of one of the three vaccines, of those 12 years old or older.

About 45 million Americans have recovered from COVID; had it, tested positive, and have recovered. The vast majority of Americans, by far—like, not even close—the vast majority of Americans have been vaccinated or have recovered from COVID or both.

But is the administration OK with that?

No, they are not. The administration has laid down their own law to say, if Americans do not get the vaccine—those 20 percent left that haven't gotten the vaccine that are 12 years old or older, if they don't get the vaccine, this administration is going to find some way for them to lose their job; which, for many people, will also mean lose their insurance; lose their pension; and, sometimes, lose their home.

But the President's response is: I don't care. Go get the shot. That is what I want you to do.

Well, Mr. President, mission accomplished.

Let me tell you a story of an individual that works in the eastern part of my State, who works for one of those companies that is 100 people or more. He didn't want to have the vaccine. The reason is not even important, but he said he didn't want to take the vaccine. So what happened in his company of 100 or more? They fired him a couple of weeks ago.

You are welcome, Mr. President. Thanks for firing him.

Oh, it gets better. He lost his house because he couldn't pay the mortgage, and this adult man has now moved in with his family while he tries to figure out what happens next for him.

Do you know why?

Because the President said he was losing patience and he didn't care if this guy lost his house, lost his job, lost his insurance. The President was just saying, go get it, or else.

Well, thanks. Right before Thanksgiving, he is experiencing the "or else."

One of my constituent's husband is facing termination. He is from another one of those large companies. He has worked for them for 30 years. He has a



secret clearance from the DOD. And his doctor gave him an exemption because his cardiac numbers fluctuate so much. And he is one of those high-risk individuals for blood clots, which can be a side effect of the vaccines. So his doctor has encouraged him not to take the vaccine.

So he went into his job. He asked for the medical exemption, and he was given two forms to sign. The first of the forms said he had to agree to take the vaccination or he would lose his job. The second form agreed that, if he took the vaccination, he would not sue the company if he had a negative reaction.

So here is a man who has to choose between taking the vaccine, knowing that his doctor has told him not to do it, and if he does take it, if he has a negative reaction, the company wants to be held harmless for it. And he has to sign a document saying the company will be held harmless for it or lose his job.

Do you know why?

Because President Biden said he was losing patience.

So this family gets to sit around over Thanksgiving not talking about football but talking about whether he is going to lose his job or possibly have a blood clot in the hospital.

Which would you like to have that conversation on over Thanksgiving?

There is a company that does electrical engineering that also has one of those Federal contracts they talk about. Some of the employees don't do the Federal contracting. They work for other issues. Fifty people of the 250 in the company have said they don't want to take the vaccine, and so they are in the process of losing their jobs. And that company will not be able to fulfill its Federal contract because hiring 50 more electricians is not that simple right now with the economy that we are currently in.

A constituent told us that her employer is going to lay her off on December 8 because she hasn't had the vaccine yet. So she will spend Thanksgiving discussing this with her family as she approaches the time where she is about to be laid off. She works in one of those companies that has a Federal contract. She reached out to her primary care doctor, who is at the VA, by the way, and the VA instructed her that they are not writing exemptions for medical exemptions.

She is on her own.

Why?

Because the President is losing patience, and he has decided he is going to throw all of these families in chaos or they are going to lose their job, because he said so.

Why have I been fighting this mandate since September 9 when the President actually announced it?

Because it was obvious to me what was coming. It was this.

Everyone could see it, apparently, but the White House. Americans are stubborn people. That is what has

made us the most prosperous, freest people in the world. We are entrepreneurs. We take risks. We understand the consequences for our risks. But we also go do because we can; we are Americans.

And now the President of the United States has announced: I don't care; you are going to get this, or else.

So what is the real effect of this? All of this chaos?

Oh, this is just part of it. There is a whole lot more.

How about the EMS folks that are in rural Oklahoma, that are having a hard time actually keeping some of their drivers and folks in because they have chosen not to take the vaccine?

What happens in 3 weeks from now when people get sick at their house or have a heart attack and EMS can't respond because those folks got fired from their jobs because the President said, I am losing patience? What happens?

I will tell you what happens. People die. Other families are going to struggle through this process as they are figuring out where they are going to go to work because they lost their career, because the President said: I have lost patience with you.

Tell me this: For the person that is the JAG officer in the military, works in the National Guard, and for whatever reason—whether it is a religious accommodation, medical accommodation, or whatever it might be—they chose not to take this vaccine, when they get a dishonorable discharge, what happens to them?

They lose their law license is what happens to them. They are disbarred, and they are no longer practicing their profession.

What happens to the State trooper in Oklahoma that also serves on our National Guard?

When they get dishonorably discharged, they don't just lose their military career; they lose their civilian career.

What happens to the nurse or doctor that serves with the National Guard? When they get drummed out, what happens?

They lose their military career and their civilian career. That is what happens.

Do you know why?

Because the President decided he was losing patience with the American people and they have to do what he says to do, not what they want to do. That is why all this chaos is happening.

I heard from a constituent, 28 years of Federal service—28 years of Federal service. I am not going to give the administration that they work in, but they work behind the scenes in an exceptionally important, exceptionally difficult task—serving their neighbors as a Federal employee. She doesn't want to retire, but she doesn't want to take this vaccine either.

So do you know what she is doing?

She is retiring.

And what is going to happen in this agency in Oklahoma when they lose

this cornerstone person at this Agency?

They will struggle to figure out what she did, how she did it. And people in Oklahoma will get less help in that Agency because a long-term, vital civil servant is about to get run out of civil service because President Biden decided he lost patience with her.

That wasn't in her civil service contract. That was never negotiated with any other collective bargaining rights agreements, never. There is no addition in any collective bargaining rights agreements for Federal employees that they have to get a vaccine mandate if the President decides that they do, but he decided—that is, President Biden decided—he was going to take this on.

And so she is going to be discussing over Thanksgiving what she is going to do post-retirement, wishing that she could stay a little longer to be able to build up a few more years, and thought she was going to be able to, but, instead, she got ran out because she and the President had a difference of opinion about a brandnew vaccine.

Now, I have said to this group before several times—and I will say it again—I have had the vaccine. I encourage others to take the vaccine. Eighty percent of Americans who are 12 years old or older have had the vaccine.

There are plenty of Americans who have had the vaccine who support the vaccine but do not want their next door neighbor to get fired because they disagree on the vaccine. In fact, I don't know a lot of people who do, though I have met some that are just that heartless to be able to say: I don't care what you think. I want to feel better forcing you to go get the vaccine.

I have met some of those folks, but I don't meet many of them. Most of them say: I freely made the decision; they should be able to freely make the decision, as well.

But apparently that is not where the President is and, unfortunately, that is not where some of my Democratic colleagues are because multiple times we have brought an end to the vaccine mandates to multiple committees in multiple places over the last several months and it gets knocked down every time.

Just this week, we filed a Congressional Review Act dealing with just the OSHA piece. We have another one coming dealing with all those on CMS to make a simple statement: We have got to stop this vaccine mandate. It is causing chaos in our families. It is causing chaos in our economy, and anyone who doesn't think it is is not talking to people at home.

So we will bring this in the next 18 days to the floor of this Senate, and we will force a vote on it and put everyone on record: Do you stand with the American people, who strongly affirm the vaccine but strongly oppose the mandate, or will you be one to say: I don't care. I stand with the President. I am losing patience with people, this 20 percent that haven't done the vaccine. I

am losing patience with them, and I am just going to force them to do it, as well—because that decision is coming to every single person in this body.

This could be turned off right now, and one section of it already is turned off. The Fifth Circuit Court reached in on the issue of private employers and said that this was way overly broad of the President. No kidding. It was unconstitutional for the President to reach into companies and to say: I don't care who it is, how important they are to the company. If you don't make them do the vaccine, you have to fire them.

The Fifth Circuit said you cannot do that. Thank you, Fifth Circuit, for finally joining in on that.

OSHA has now said that they are not going to enforce that, but there are lots of other companies that have done it anyway. And, I will tell you, for this individual in Eastern Oklahoma who has already been fired and lost his house, it is too late for him for suddenly the Biden team to say: Just kidding. We are going to pull that back. His life has already been wrecked by you.

What else is happening? I have reached out to multiple different Agencies to be able to talk this through. It has been fascinating to me, when I have talked to different Agencies. By the way, the Federal Agency mandate for all Federal employees is next week to be able to have that done. But when I talk to leaders of Agencies of multiple different Departments across this town, none of them seem to know how many of their employees have actually been vaccinated yet—none of them. They all say: Well, we think it is quite a few.

I say: How many folks have not been vaccinated?

We have x number of folks who have been reported to us, but they don't seem to know. It has become chaotic.

For Federal workers, their unions have finally stepped in—finally. I have been shocked at how slow the Federal unions were to this. They finally stepped up and asked for an extension of the President to say: Don't put the mandate down for next week. Give people more time because, literally, people are sitting around over Thanksgiving deciding whether they are going to keep their job or not.

And if 10 to 20 percent of the workforce across the Federal workforce leaves, we are in such chaos that there is no way we will be able to finish serving people as we desperately need to be able to do across the Federal Government.

What would I recommend? I had some very frank conversations with the Equal Employment Opportunity Commission, or the EEOC. It was interesting to me, when I visited with the EEOC. That is the group that protects workers—Federal workers or private—from discrimination and protects workers from inappropriate termination. When I talk to the EEOC, what I hear

from them is that they weren't consulted through the process of developing this new vaccine mandate and all the exemptions that should be in place.

Can I just tell the workers of my State and the workers across the country a simple thing? If your employer will not accept your religious accommodation that you put in or your medical exemption that you put in—if they do not accept those—you need to go to the EEOC and file a complaint because the EEOC has rules about terminations that are inappropriate terminations. If individuals are being terminated from private companies, even if they are Federal contractors or Federal employees, I encourage you to go to the EEOC and file a complaint if they are not hearing your medical accommodation or your religious accommodation. That is your right as an American.

When the President of the United States is running over your rights, you have every right to be able to appeal that personally. You don't have to hire an attorney. You can file that complaint on your own to be able to make sure that your employer knows that you are filing an EEOC complaint against them for inappropriate termination, for not accepting your medical exemption and your religious accommodation.

Interestingly enough, when I approached the Office of Management and Budget a month ago about how they are going to handle religious accommodation, they said: It is not the business of Federal workers to decide and individuals' faith. We are just going to accept that.

But when the document came out, there was a six-part test of whether you are religious enough to be able to turn down the vaccine. They literally created a six-part test that every supervisor can go through and check to determine if you are religious enough to be able to turn this down.

This would be the first time that I know of that the Federal Government has actually reached into an entity, to individuals, and said: We are going to decide for you how religious you are.

That is how crazy this has become.

I encourage you, again, if individuals have said that you are not religious enough to be able to ask for this accommodation, go to the EEOC, file a complaint against your employer—whether that be a Federal Agency, whether that be a private entity—and make sure that they are well aware of what is going on.

If you work in a Federal Agency and you have an initial appeals process that actually goes through, go through that. Go through that process. But if you are denied or not heard, you do have rights as an American, and I would encourage you to be able to stand up for your rights as an American against unjust hiring and unjust firing in this process.

Let me read this last letter to you. As we have fought through this process and find every leverage point I can find

for the people in my State to be able to make their own decisions, it has been difficult to be able to talk to people in the struggles that they have.

Let me read one. This gentleman wrote to me:

I retired after 20 years of Active-Duty service in the military to enjoy time with my family and the supreme blessings of freedom and peace our country has secured at the expense beyond human measure. Now, many of our undaunted servicemembers and veterans alike face possible unemployment because we refuse to take a vaccine. Some are being coerced into taking it because they can't support their families while unemployed. The very people who risked their lives and the well-being of their children face persecution for a personal medical choice.

His comment to me: This is not American.

I agree. That is why we are fighting this. That is why we are continuing to push this. That is why we are bringing a Congressional Review Act up to put every single person in this body on record: Do you support forcing people to take a vaccine or be fired, or not?

I do not, and I hope that 99 other of my colleagues also do not.

I yield the floor.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). The Senator from Kansas.

NOMINATION OF SAULE OMAROVA

Mr. MORAN. Madam President, I rise today to express my opposition to President Biden's nominee to be Comptroller of the Currency, Dr. Saule Omarova.

Although not the most publicly known office, the Comptroller of the Currency is a prominent and influential position that regulates and supervises all national banks. Given the undeniable importance of this office to the economy and to Americans, it has long been kept free of divisive politics and extreme views.

While I talk about the Office of the Comptroller of the Currency and I talk about banks, my concerns are certainly more than just the financial institutions that are in our country's economy. It is the people, their customers who are served, that bother me or worry me the most.

Rather than offer practical ideas for strengthening our Nation's banks, Dr. Omarova advocates for the elimination of all commercial banks—the very financial institutions she should be interested in partnering with. Instead, she wishes to replace them with one bank—one bank—the Federal Reserve.

While the Comptroller might not have direct control of the Federal Reserve's structure, the reach of the position cannot be understated. The Office of the Comptroller is a member of the Federal Financial Institutions Examination Council, the Financial Stability Oversight Council, and even the Board of the FDIC, an Agency Dr. Omarova hopes to eliminate.

Although the doctor claims to support community banks, her plan would relegate them to mere franchises of the

larger Federal Reserve, and her comments have alarmed many Kansas community bankers. They have grave concerns about her policies that would “end banking as we know it.”

One Kansas banker says:

I have severe concerns with the President's nominee to be the Comptroller of the Currency. Her support of moving the payment system entirely through the Federal Reserve and her commentary in favor of abolishing the FDIC moves the entire banking system toward a government-controlled financial system. Eliminating the dual banking system would be disastrous for entrepreneurs and consumers alike in the marketplace.

Another banker from Kansas said:

We expect our regulator to supervise safety and soundness for banks in the system, not to propose and force feed social agenda items to us.

Local lenders—I certainly know this in the State of Kansas—are the cornerstone of many small towns, and the Comptroller should appreciate the value that community banking brings, what I call relationship banking. They provide crucial lending services for the underbanked populations in rural and urban areas alike. Eliminating the one-on-one, personal approach that allows community banks to thrive will do permanent damage to financial inclusivity and will further push people out of the financial system.

I have often said to my colleagues in Washington, DC, that economic development in many places in Kansas is whether or not there is a grocery store in town. It didn't take me too long to realize that that answer, of whether or not there is a grocery store in town, often revolves around whether or not there is a community bank—a relationship bank—in town, one that makes decisions, certainly, on the wellness and the ability of the loan to be paid, but what is in the best interest of the community? How can I make my community and my customers better off for the way this bank operates?

Another Kansas banker noted it appears that Dr. Omarova is comfortable with a banking model “that lacks luster and the agility to serve the diverse nature of the American banking industry.”

With a banking model that would provide no incentive to create innovative new products, consumers would no longer benefit from the financial modernization that has brought so many people into the banking sector, so many customers to the banking sector. Consumers are best served by a financial system that offers competitively priced loans and lets lenders invest back in their local communities.

We must continuously work to improve our financial sector for everyone, but forcing consumers to bank with the government would do so much more harm than good. Kansans want less government in their lives, not more, as this would be.

Under Dr. Omarova's proposal, the government would have mandatory seats on bank boards and be able to control investments in “socially sub-

optimal” activities, a subjective definition that can be interpreted to stifle investment. She believes Federal bureaucrats should handpick who gains access to credit—all but ensuring leftist ideas would be funded.

Confirming her to this office would provide Dr. Omarova with ample opportunity to deny funding to industries she finds politically unfavorable, including bankrupting our domestic energy companies, something she spoke about.

While Dr. Omarova cheers on companies' bankruptcies, jobs disappear, families go without income, and that American dream that is so important to all of us is crushed.

Unfortunately, the doctor's confirmation hearing this morning only deepened my concerns. Her views have no place in the role of the Nation's top bank regulator.

She is entitled to her views. She is entitled to her radical views but not as the Nation's top bank regulator.

By nominating Dr. Omarova, President Biden looks to fundamentally reshape banking from a market-driven industry to a one-size-fits-all government entity. The thought of a centrally planned economy and a banking system like that is not only unworkable, but it is radical—radically wrong.

Even if these ideas are just for the sake of some academic thought, Dr. Omarova's suggestions have consequential impacts. This is a very powerful position, and we cannot—we would take her views lightly at our own risk.

I urge my colleagues to reject this nominee.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING SERGEI MAGNITSKY

Mr. CARDIN. Madam President, 12 years ago this Tuesday, Russian tax lawyer Sergei Magnitsky died in Moscow at the hands of prison guards who, instead of treating him for the acute illness that his torturous, yearlong detention provoked, beat him for over an hour. He was found dead in his cell shortly thereafter. His “crime” was exposing the largest tax fraud in Russian history, perpetrated by government officials. He was 37 years old and left a loving family and many friends.

At the Helsinki Commission, which I chair, we had heard of Sergei's plight months earlier, and we were saddened and outraged that such a promising life had been cut short and that so few expected his murderers to be held to any account.

Impunity for the murder of journalists, activists, opposition politicians, and now simply an honest citizen was and remains a depressing cliché in Rus-

sia under Vladimir Putin's rule, while his regime often ruthlessly punishes people for minor infractions of the law. For those on the wrong side of the Kremlin, the message is clear and chilling. Even the most damning evidence will not suffice to convict the guilty, nor will the most exculpatory evidence spare the innocent.

The need for justice in Russia in this specific case has not diminished with the passage of time. Moreover, the doubling down on the coverup of Sergei's murder and the massive tax heist he exposed implicates a wider swath of Russian officials with the guilt of this heinous crime. It does not need to be this way, nor is it ever too late for a reckoning in this case in the very courtrooms that hosted the show trials that ultimately led to Sergei's death.

As sober as this occasion is, there is reason for hope. Vladimir Putin will not rule Russia forever, and every passing day brings us closer to that moment when someone new will occupy his post. Who that person will be and whether this transition will usher in a Government in Russia that respects the rights of its citizens and abides by its international commitments remain unclear. I hope it does. A Russian Government that returns to the fold of responsible, constructive European powers would increase global security, enhance the prosperity of its own citizens and trading partners, and bring new vigor to tackling complex international challenges such as climate change.

Sergei's work lives on in his many colleagues and friends who are gathering in London this week to celebrate his life and to recognize others like him who seek justice and peace in their countries, often facing and surmounting seemingly impossible obstacles. All too often, they pay a heavy price for their courageous integrity.

Sergei's heroic legacy is exemplified in the global movement for justice sparked by his death and in the raft of Magnitsky laws that began in this Chamber and have now spread to over a dozen countries, including allies like Canada, the United Kingdom, and the European Union. Even as these laws help protect our countries from the corrupting taint of blood money and deny abusers the privilege of traveling to our shores, they also remind those who suffer human rights abuses at the hands of their own governments that we have not forgotten them.

Sergei Magnitsky is a reminder to all of us that one person can make a difference. In choosing the truth over lies and sacrifice over comfort, Sergei made a difference that will never be forgotten.

Fifty-five years ago, Senator Robert F. Kennedy addressed the National Union of South African Students and spoke about human liberty. He spoke about freedom of speech and the right to “affirm one's membership and allegiance to the body politic—to society.” He also spoke about the commensurate

freedom to be heard, “to share in the decisions of government which shape men’s lives.” He stated that government “must be limited in its power to act against its people so there may be no . . . arbitrary imposition of pains or penalties on an ordinary citizen by officials high or low.”

Senator Kennedy went on to say:

Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

Sergei Magnitsky stood up for an ideal. He acted to improve the lot of others. He struck at injustice. He was and remains a ripple of hope.

On this sad anniversary of Sergei Magnitsky’s murder, let us all recommit ourselves to helping those in Russia and around the world who seek their rightful share in the governance of their own countries and who deserve the confidence of doing so without fear of harm. If we do this, Sergei will not have died in vain.

I am confident that one day there will be a monument in stone and bronze to Sergei in his native Russia. Until that day, the law that bears his name will serve as his memorial.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNOCK). Without objection, it is so ordered.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 437, Julianne Smith, of Michigan, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, and that the Senate vote on the nomination without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The bill clerk read the nomination of Julianne Smith, of Michigan, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

There being no objection, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Smith nomination?

The nomination was confirmed.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, all without intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate’s action; and that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senate will now resume legislative session. The Senator from New Hampshire.

CONFIRMATION OF JULIANNE SMITH

Mrs. SHAHEEN. Mr. President, I would also like to speak to Julie Smith and her qualifications to be Ambassador to NATO.

Julie is, really, very well qualified to represent the United States within our biggest and most significant security alliance. Her 25-year career has focused on transatlantic relations and security. She has served the country as Deputy National Security Advisor and Acting National Security Advisor to then-Vice President Biden.

In 2012, she was awarded the Office of the Secretary of Defense’s Medal for Exceptional Public Service. She has worked at some of the country’s most esteemed think tanks that address European issues.

As the U.S. confronts challenges around the world, we need to convey our firm commitment to our allies and our alliances. For this reason, it is absolutely critical that we put Julie Smith in place as Ambassador to NATO as soon as possible.

I am really very pleased that those who had a hold on her nomination have finally lifted those holds. It is unfortunate that it has taken so long because, as we look at what is happening in Eastern Europe in particular, and as we look at the migrants who are being used by Belarus—and I assume that Vladimir Putin is behind this, as well, to send those migrants to the Polish border as a way to distract from what is happening in Eastern Europe—clearly, the more equipped NATO is to help deal with those challenges, the better.

If we are going to participate with NATO, we need to have an Ambassador on the ground. It should have happened several months ago, when she was nominated. So I am very pleased that she is going to be able to assume her ambassadorship very soon. As co-chair of the Senate NATO Observer Group, I look forward to working with her in her new role.

But this should serve as a wake-up call to those people in this Chamber

who continue to have holds on critical nominees who are important to this country’s national security. As I talk to U.S. allies, it is clear that the delay in sending Ambassadors to posts around the world is having a real impact on our relations with our partners; and in the absence of U.S. representation, they are questioning our commitment to our bilateral relationships.

Now, I would like to think that my colleagues who have put these holds on our nominees aren’t doing it in an effort to undermine America’s security and to undermine this administration in protecting the United States, but, clearly, that is the impact of what they are doing.

I have heard from a lot of my colleagues over the last months about U.S. standing in the world after our withdrawal from Afghanistan. Yet, as they are blocking administration nominees who would work with our allies, who would engage in our shared priorities and values, who would listen to concerns, and who could work together, they are just exacerbating any issues that may exist.

I don’t know why they are doing this, but, right now, there are 58 other State Department nominees who are awaiting confirmation on the floor. Every day that passes that we have no Ambassadors in place in countries around the world, our national security is compromised, and I have got a very close-to-home example.

Earlier today, I met with Diane Foley, the mother of James Foley, who was the first American killed by ISIS, and she has done yeoman’s work with her foundation to try to help the families of hostages who are being held in countries around the world. She was talking about what we could do to help those families and to do everything to try and help them get their loved ones back—to free the hostages who are being wrongly held around the world.

Well, one of the things we talked about is the fact that, in many of those countries, we don’t have Ambassadors because we have holds on those folks who are so important to help those families and to help address American interests in those countries. So what our colleagues are doing by holding up these nominees is undermining the national security of the United States. By grinding to a halt our State Department nominees, a small group of my Republican colleagues has allowed partisan brinkmanship to pervade a critical aspect of our national security.

You know, there was a very important principle established after World War II about partisan politics ending at the water’s edge. It is unfortunate that my colleagues on the other side of the aisle are not continuing to support that principle.

We are stronger and safer when our diplomatic corps—those individuals who support Americans and U.S. foreign policy around the world—are supported by capable, Senate-vetted, and Senate-confirmed Ambassadors.